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Matt Blunt
Secretary of State

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The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



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Register Filing Deadlines	Register Publication	Code Publication	Code Effective
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January 2, 2002 January 16, 2002	February 1, 2002 February 15, 2002	February 28, 2002 February 28, 2002	March 30, 2002 March 30, 2002

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.



FROM THIS ANGLE

Internal Policy on Rulemaking Procedures

Please remember you should adopt and have on hand in your agency or division, a written internal policy on rulemaking. Please refer to section 536.016, RSMo 2000.

Coming soon -- SUGGESTION BOX

The next time you are in the office to file rules, you may notice a "Suggestion Box" on our front counter. Please feel free to drop your suggestions in the box, and, either sign your name or do so anonymously, and provide us with any tips or suggestions of how we might better serve you, our customer. We are here to help you and want to be attentive to your thoughts and suggestions.

Have you checked your rules recently?

Many agencies have old, out-of-date forms contained in the body of their rules. Have you looked at your rules lately and considered changing your rule to remove an old form and perhaps referring readers to your web-site for the most current form for your agency? Many agencies are adopting this practice as they revise their respective rules.

Why are we republishing your rules in Code?

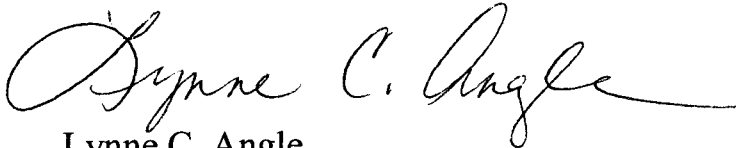
Our staff is diligently working on rules that have been copied into our electronic files but have not been updated and proofed since the transfer into our present system. This would include all rules that have not been updated since 1995.

In an effort to have the most accurate Code possible, (and as an end result, assist us in our ongoing effort to improve our web product) these rules are being republished. If you have any rules that fall into this category, one of our editors either has or will be in touch with you prior to republishing to let you know your rules are being republished in a particular update.

Remember . . . we are here to help you!

If you are looking at a change in your rule(s) within your agency, please remember to call us for the exact copy of your rule that is presently in Code. This will make the process of revising your rule much easier for you. We can either e-mail or provide you with a CD copy of the same.

As always, please feel free to contact us if we may be of assistance to you. It is our privilege to help you in any stage of the rulemaking process.

A handwritten signature in cursive script, reading "Lynne C. Angle". The signature is fluid and elegant, with a long, sweeping underline that extends to the right.

Lynne C. Angle,
Director, Administrative Rules Division

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 2—DEPARTMENT OF AGRICULTURE
Division 100—Missouri Agricultural and Small Business
Development Authority
Chapter 10—New Generation Cooperative Incentive
Tax Credit Program**

PROPOSED RULE

**2 CSR 100-10.010 Description of Operation, Definitions, and
Method of Distribution and Repayment of Tax Credits**

PURPOSE: This rule describes the operation of the program, defines terms, establishes the method used to distribute the tax credits, and repayment of tax credits.

(1) General Organization.

(A) The Missouri Agricultural and Small Business Development Authority is authorized to issue new generation cooperative incentive tax credits to members of an eligible new generation cooperative as defined in section 348.432, RSMo.

(2) Definitions. As used in this rule, the following shall mean:

(A) "Employee Qualified Capital Project": One hundred full-time employees or equivalent must be employed no later than twenty-four (24) months from the time the eligible new generation cooperation becomes operational. One hundred (100) full-time employees or equivalent must be maintained for a period of at least five (5) years. Full-time employee is defined as a person working at least thirty-five (35) hours per week. Equivalent employee includes part-time employees fifteen to twenty-five (15-25) hours per week as 1/2 employees and part-time employees working twenty-six to thirty-four (26-34) hours per week as 3/4 employees. Full-time employees and/or equivalency must be certified to the Missouri Agricultural and Small Business Development Authority (the "Authority") on or before the anniversary date of the tax credits issuance for each of the first five (5) years after reaching the required one hundred (100) employees and may be verified more frequently at the discretion of the Authority;

(B) "Employee": An employee of the eligible new generation cooperative is someone who works a minimum of thirty-five (35) hours per week for fifty-two (52) weeks in a twelve (12)-month period;

(C) "Maintenance of one hundred (100) employees": One hundred (100) employees, once reached during or at the end of the twenty-four (24)-month period, must be maintained on a continuous basis for sixty (60) months.

(3) Operation of the Program.

(A) Application—New generation cooperative applicants may submit applications to the Authority on a continuous basis. In Fiscal Year 2001 through December 31, 2010 (when the tax credit provision expires), up to six (6) million dollars in tax credits are available per fiscal year. Of these tax credit allocation amounts, each year the Authority will reserve ten percent (10%) of the credits for "small capital projects." The balance of tax credits will be available to "large capital projects" and "employee qualified capital projects." After December 31 of each year, the Authority will release any unallocated "small capital project" tax credits for "large capital projects" and "employee qualified capital projects" or any unallocated "large capital projects" and "employee qualified capital projects" tax credits to "small capital project."

(B) Issuance—Tax credits will be issued on a first-come, first-serve basis when the required criteria specified herein is met. If the Authority receives more tax credit applications (FORM A) than the amount of available tax credits then those credits which exceed the available amount will be placed on a waiting list to be issued once additional tax credits become available.

(C) Allocation—In allocating tax credits to projects, priority will be given to those projects not having previously received a new generation cooperative incentive tax credit allocation. The Authority will provide a letter of conditional approval to any eligible new generation cooperative applicant that conforms to the law and guidelines stated herein. The amount of tax credits which may be issued to a member will be the least of:

1. Fifty percent (50%) of the member's cash investment;
2. Fifteen thousand dollars (\$15,000);
3. Member's proration of the maximum amount of tax credits allocated to the project as described below.

(D) Proration—If members' investment in a new generation "large capital project" cooperative would be eligible for tax credits in excess of the project's allocation (maximum allocation per

project is \$1.5 million) or "employee qualified capital project" (maximum allocation per project is \$3.0 million), tax credits will be prorated between members on a percent of investment basis, not to exceed the maximum allowed per member. The proration will be calculated as follows based on applications received by members for each approved eligible new generation cooperative:

1. The amount of each member's investment multiplied by fifty percent (50%) will determine the maximum eligible tax credit, not to exceed fifteen thousand dollars (\$15,000).

2. The sum of members' maximum eligible tax credits will be calculated.

3. The amount of tax credits approved for the new generation tax credit divided by the sum of members' maximum eligible tax credits equals the percentage of proration.

4. The percentage of proration multiplied by the member's maximum eligible tax credit equals the amount of tax credit which may be issued to each member.

(E) Repayment of Tax Credits—The Authority may revoke, in full or part, any credits if—1) any representation made to the Authority in connection with an application proves to have been false when made; 2) the application violates any conditions established by the Authority; or 3) the full-time employees or equivalency requirements are not met. In the event credits must be revoked as a result of underemployment for "employee qualified capital projects," the credit payback amount will be prorated over a sixty (60)-month percentage basis. Repayment may be in the form of a cash payment or by voluntary relinquishment of the tax credits.

AUTHORITY: section 348.432, RSMo 2000. Original rule filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Agriculture, Attention: Tony Stafford, Agricultural and Small Business Development Authority, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 15—Acupuncturist Advisory Committee Chapter 1—General Rules

PROPOSED RULE

4 CSR 15-1.010 Public Information, Complaint Handling and Disposition

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of requests for information and complaints.

(1) All public records of the Missouri Acupuncturist Advisory Committee shall be open for inspection and copying by any member of the general public during normal business hours (8 a.m. to 5 p.m. Monday through Friday, holidays excepted) except for those records closed pursuant to section 610.021, RSMo.

(2) The State Board of Chiropractic Examiners establishes the executive director of the board as custodian of the advisory committee

records as required by section 610.023, RSMo. The executive director is responsible for maintaining advisory committee records of meeting proceedings and responding to requests for access to public records.

(3) The Acupuncturist Advisory Committee will receive and process each complaint made against any licensee, applicant or unlicensed individual or entity, in which the complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of sections 324.475 to 324.499, RSMo. Any member of the public or the profession, or any federal, state or local official may make and file a complaint with the Acupuncturist Advisory Committee. Complaints will be received from sources both within and without Missouri and processed in the same manner as those originating within Missouri. No member of the Acupuncturist Advisory Committee may file a complaint with the board while serving in that capacity, unless that member is excused from further deliberation or activity concerning the matters alleged within that complaint. The executive director or any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(4) Complaints shall be mailed or delivered to the following address: Acupuncturist Advisory Committee, PO Box 672, Jefferson City, MO 65102. Complaints may be based upon personal knowledge or beliefs based on information received from other sources.

(5) All complaints shall be made in writing and shall fully identify the complainant by name and address. Verbal or telephone communications will not be considered or processed as complaints. The person making these communications will be asked to file a written statement.

(6) Upon receipt of a complaint in proper form, the division, board, or advisory committee may investigate the actions of the licensee, applicant, registrant or unlicensed individual or entity against whom the complaint is made. In conducting an investigation, the division/board, in its discretion, may request the licensee, applicant, registrant or unlicensed individual or entity under investigation to answer the charges made against him/her in writing and to produce relevant documentary evidence and may request him/her to appear before it.

(7) The advisory committee will maintain each complaint received under this rule. The complaint file will contain a record of each complainant's name and address; subject(s) of the complaint; the date each complaint is received by the division; a brief statement of the complaint, including the name of any person injured or victimized by the alleged acts or practices; and the ultimate disposition of the complaint. This complaint file shall be a closed record of the division.

(8) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(9) This rule shall not be deemed to limit the division, board or advisory committee authority to file a complaint with the Administrative Hearing Commission (AHC) charging a licensee with any actionable conduct or violation. The complaint filed by the board need not be limited to the acts charged in a public complaint.

(10) The division, board and advisory committee interpret this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the division/board. This rule does not create any cause of action for licensees against whom the division/board has instituted or may

institute administrative or judicial proceedings concerning possible violations of the provisions of sections 324.475 through 324.499, RSMo.

AUTHORITY: sections 324.481, 324.496, 324.499, 620.010.14(7) and 620.010.15(6), RSMo 2000. Original rule filed July 24, 2001.

PUBLIC COST: The public entity cost for this proposed amendment is estimated at five hundred forty-eight dollars (\$548) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 1 – General Rules**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-1.010 Public Information, Complaint Handling and Disposition

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Acupuncturist Advisory Committee	\$548

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process complaints, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses incurred in monitoring complaints and conducting investigations;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, survey inspections, investigations and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Annual Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 5%
Personal Service	\$0	\$280
Expense & Equipment	\$0	\$50
Transfers	\$0	\$218
TOTAL	\$0	\$548

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and

equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 50% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 15—Acupuncturist Advisory Committee
Chapter 1—General Rules**

PROPOSED RULE

4 CSR 15-1.020 Acupuncturist Credentials, Name and Address Changes

PURPOSE: This rule specifies the title that shall be used by a licensed acupuncturist and requirements for maintaining current licensee information.

(1) Any person licensed as an acupuncturist shall use the abbreviations L.AC. or the licensure title Licensed Acupuncturist after the licensee's name.

(2) All individuals licensed pursuant to this chapter shall ensure that the license bears the current legal name of that licensee.

(3) A licensee whose name has changed shall, within thirty (30) days of such change:

(A) Notify the board in writing of the change and provide a copy of the appropriate document indicating the change; and

(B) Destroy the license bearing the former name.

(4) A licensee whose address and/or telephone number has changed from that printed on the license shall inform the advisory committee, in writing, within thirty (30) days of the effective date of the change.

AUTHORITY: section 324.481, RSMo 2000. Original rule filed July 24, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated five hundred forty-eight dollars (\$548) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

V. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 15-Acupuncturist Advisory Committee

Chapter: 1 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 15-1.020 Acupuncturist Credentials, Name and Address Changes

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

VI. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Acupuncturist Advisory Committee	\$548

VII. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence, process name and address changes and supporting documentation.
- 2) Expense and equipment costs are incurred issuing and mailing duplicate licenses;
- 3) Transfers are costs incurred for council and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Annual Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 4%	Enforcement – 1%
Personal Service	\$225	\$56
Expense & Equipment	\$40	\$10
Transfers	\$175	\$42
TOTAL	\$440	\$108

VIII. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
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Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
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\$1,000	40% - Enforcement	\$400

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 50% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 15—Acupuncturist Advisory Committee
Chapter 1—General Rules**

PROPOSED RULE

4 CSR 15-1.030 Fees

PURPOSE: This rule establishes the various fees and charges for the Acupuncturist Advisory Committee.

(1) All fees shall be paid by cashier's check, personal check, money order, or other method approved by the division and must be made payable to the Acupuncturist Advisory Committee.

(2) No fee will be refunded should any license be surrendered, suspended or revoked during the term for which the license is issued.

(3) The fees are established as follows:

(A) Acupuncturist Application Fee	\$700.00
(B) Acupuncturist Biennial Renewal Fee	\$700.00
(C) Fingerprinting Fee	\$ 23.00
(D) Insufficient Funds Check Charge Fee	\$ 25.00

(4) All fees are nonrefundable.

AUTHORITY: sections 324.481, 324.487, 324.490 and 324.493, RSMo 2000. Original rule filed July 24, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 15—Acupuncturist Advisory Committee
Chapter 2—Acupuncturist Licensure Requirements**

PROPOSED RULE

4 CSR 15-2.010 Application for Licensure

PURPOSE: This rule outlines the requirements for applying for licensure as an acupuncturist.

(1) Application for licensure shall be made on a form provided by the Acupuncturist Advisory Committee. Applications may be obtained by written request to the advisory committee at PO Box 672, Jefferson City, MO 65102-0672, or by calling the advisory committee office at (573) 751-1655 or contacting the advisory committee by e-mail at acupunct@mail.state.mo.us.

(2) The application shall be typewritten or printed in black ink, signed, notarized, and accompanied by all documents required by the advisory committee and the application fee as defined in 4

CSR 15-1.030(3)(A). Documentation required to be submitted with the application shall include, but is not limited to the following:

(A) Two (2) sets of fingerprints and the applicable fee as defined in 4 CSR 15-1.030(3)(C);

(B) Proof that the applicant is at least twenty-one (21) years of age as demonstrated by one (1) of the following:

1. Driver's license or identification (ID) card issued by a state or jurisdiction of the United States provided the ID includes a photograph and date of birth;

2. ID card issued by federal, state, or local government agency or entity provided the ID includes a photograph and date of birth;

3. Certified copy of a birth certificate issued by a state, county, municipal authority or jurisdiction of the United States bearing an official seal;

4. United States citizen ID card provided that the ID includes the date of birth;

5. ID card used as a resident citizen in the United States provided the ID includes the date of birth.

(3) An applicant for licensure based upon certification by the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM) shall be currently certified as a diplomate in acupuncture by NCCAOM. The applicant shall be responsible for authorizing NCCAOM to verify certification to the advisory committee and verification of certification shall be sent to the advisory committee by NCCAOM.

(A) An applicant for licensure with a course of study from a school or program outside the United States may be considered in compliance with these rules if the applicant is certified as a diplomate in acupuncture by NCCAOM.

(4) A person applying for licensure based upon current licensure, certification or registration in another state or jurisdiction of the United States shall comply with sections (1) and (2) of this rule and shall submit the following:

(A) A copy of the state's or jurisdiction of the United States' laws, rules and regulations pertaining to the regulation of acupuncture; and

(B) Verification of licensure, certification or registration as an acupuncturist to be provided directly to the advisory committee office from the state, or jurisdiction of the United States regulatory agency, that shall include:

1. Status of the applicant's license;

2. License original issue date and if there has been any lapse in the license;

3. License expiration date; and

4. Information regarding any complaints, investigations or disciplinary action.

(5) The advisory committee shall review the information submitted for licensure based on licensure, certification or registration in another state or jurisdiction of the United States to determine equivalency with Missouri requirements for acupuncture licensure.

(6) After review of an application by the advisory committee, the applicant will be informed in writing concerning the results of the review.

AUTHORITY: sections 324.481, 324.487 and 324.493, RSMo 2000. Original rule filed July 24, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated three thousand eight hundred thirty-three dollars (\$3,833) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually

at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated thirty thousand seven hundred thirty-four dollars (\$30,734) for the first year of implementation of the rule. Thereafter, the committee is anticipating an annual growth rate of two (2) licensees. Therefore, the committee estimates that the private entity cost to comply with this rule after the first year will be one thousand five hundred thirty-eight dollars (\$1,538) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 15-Acupuncturist Advisory Committee

Chapter: 2 – Acupuncturist Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 15-2.010 Application for Licensure

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Acupuncturist Advisory Committee	\$3,833.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence, process applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing and mailing acupuncture licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Annual Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 30%	Enforcement – 5%
Personal Service	\$1,680	\$280
Expense & Equipment	\$300	\$50
Transfers	\$1,305	\$218
TOTAL	\$3,285	\$548

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and

equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 30% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 4% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 15 - Missouri Acupuncturist Advisory Committee

Chapter: 2 – Acupuncturist Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 15-2.010 Application for Licensure

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
40	Individuals (application fee)	\$28,000.00
40	Individuals (verification by the National Certification Commission for Acupuncture and Oriental Medicine)	\$1,000
40	Individuals (fingerprinting fees)	\$920.00
40	Individuals (photograph fees)	\$300.00
40	Individuals (notary)	\$100.00
40	Individuals (transcript)	\$400.00
40	Individuals (postage)	\$14.00

**Estimated Cost of Compliance for the First Year
of Implementation of the Rule** **\$30,734.00**

**Estimated Annual Cost of Compliance for the
Life of the Rule** **\$1,538.00**

III. WORKSHEET

Application fee @ \$700.00
Verification fee @ \$25.00
Fingerprinting fee @ \$23.00
Photograph fee @ \$7.50
Notary @ \$2.50
Transcript @ \$10.00
Postage @ \$.34

IV. ASSUMPTIONS

1. The board anticipates forty (40) individuals will apply for licensure during the first year of implementation of the rule based on the number of individuals who have contacted the office and requested to be placed on the licensure application mailing list.
2. The private entity cost for this proposed rule is estimated to be \$30,734.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 5% in licensees. Therefore, the board estimates that the annual private entity cost to comply with this rule will be \$1,538.00 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 15—Acupuncturist Advisory Committee
Chapter 2—Acupuncturist Licensure Requirements**

PROPOSED RULE

4 CSR 15-2.020 License Renewal, Restoration and Continuing Education

PURPOSE: This rule outlines the requirements for the renewal and restoration of licensure and the required continuing education to maintain a license.

(1) A license shall be renewed on or before the expiration date of the license by submitting the completed renewal form along with the renewal fee. Failure of a licensee to receive the notice and application to renew the license shall not excuse the licensee from the requirements of section 324.487, RSMo to renew that license.

(2) Receipt of the renewal form and fee postmarked after the expiration date of the license shall cause the license to become not current and a licensee who continues to practice without a valid license shall be deemed to be practicing in violation of sections 324.475 to 324.499, RSMo and subject to the penalties contained therein.

(3) Prior to the expiration date of the license and as a condition of the license renewal, a licensed acupuncturist shall complete thirty (30) hours of continuing education within the two (2)-year licensure period. Continuing education shall be related to the practice of acupuncture. For the first year of licensure continuing education hours shall not be required.

(4) A person may submit an application to restore a license that has been expired for not more than two (2) years after the expiration date. The application shall be submitted in compliance with 4 CSR 15-2.010 and accompanied by the required fee.

(5) Violation of any provision of this rule shall be grounds for discipline in accordance with section 324.496, RSMo.

AUTHORITY: sections 324.481, 324.490 and 324.496, RSMo 2000. Original rule filed July 24, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated one thousand ninety-six dollars (\$1,096) biennially for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated thirty-four thousand four hundred fifty-five dollars (\$34,455) during the second year of implementation of the rule. Thereafter the committee anticipates an increase in the number of licensees by four (4) per biennial renewal period. Therefore, the committee estimates that the private entity cost will be thirty-four thousand four hundred fifty-five dollars (\$34,455) biennially with a continuous biennial increase of three thousand two hundred eighty-four dollars (\$3,284) for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 2 – Acupuncturist Licensure Requirements**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-2.020 License Renewal, Restoration, and Continuing Education

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Biennial Cost of Compliance for the Life of the Rule
Acupuncturist Advisory Committee	\$1,096

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence, process renewal applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing a mailing renewal licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Biennial Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 4%	Enforcement – 1%
Personal Service	\$450	\$112
Expense & Equipment	\$80	\$20
Transfers	\$350	\$84
TOTAL	\$880	\$216

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. These biennial costs will recur for the life of the rule; may vary with inflation; and are expected to increase biennially at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 4% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 15 - Missouri Acupuncturist Advisory Committee**Chapter:** 2 – Acupuncturist Licensure Requirements**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-2.020 License Renewal, Restoration and Continuing Education

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
42	Individuals (renewal fee)	\$29,400.00
42	Individuals (continuing education fee)	\$5,040.00
42	Individuals (postage)	\$14.00
Estimated Cost of Compliance for the Second Year of Implementation of the Rule		\$34,455.00

Estimated Annual Cost of Compliance for the Life of the Rule**\$34,455.00 biennially with a continuous biennial increase of \$3,284.00****III. WORKSHEET**

Renewal fee @ \$700.00

Continuing education fee @ \$120 biennially per person

Postage @ \$.34

IV. ASSUMPTIONS

1. The board anticipates forty-two (42) individuals will apply for renewal during the first biennial renewal period based on the assumptions detailed in 4 CSR 15-2.010.
2. It is not possible to estimate all costs that a licensee could incur in obtaining the required continuing education (i.e., mileage, food, lodging and etc.)
3. The private entity cost for this proposed rule is estimated to be \$34,455.00 for the second year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by four (4) per biennial renewal period based on the assumptions detailed in 4 CSR 15-2.010. Therefore, the

board estimates that the private entity cost to comply with this rule will be \$29,400.00 biennially with a continuous biennial increase of \$3,284.00 for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 15—Acupuncturist Advisory Committee
Chapter 3—Standards of Practice, Code of Ethics,
Professional Conduct**

PROPOSED RULE

4 CSR 15-3.010 Standards of Practice

PURPOSE: This rule establishes standards of practice for licensed acupuncturists.

(1) A licensed acupuncturist is strongly encouraged to maintain professional liability insurance coverage.

(2) Each acupuncturist shall:

(A) Practice within the scope of education and training as defined in section 324.475, RSMo;

(B) Disclose the acupuncturist's legal name and license number on all documentation regarding the practice of acupuncture and advertisements;

(C) When offering gratuitous services or discounts in connection with acupuncture, the offer shall clearly and conspicuously state whether or not additional charges may be incurred by related services as well as the range of such additional charges;

(D) Post the license at the place of work or provide the patient documentation of licensure. Patient is defined as any individual for whom the practice of acupuncture, as defined in section 324.475(1), RSMo is provided;

(E) Prior to performing initial acupuncture services, document in writing patient assessment information. Written patient assessment information shall include, but not be limited to the following:

1. Purpose of the visit;
2. Presence and location of pain and any preexisting conditions;
3. Allergies and current medication used and for what purpose;
4. If the patient is under the care of any health or mental health care professional;
5. Surgical history;
6. Signed consent for treatment and date signed;
7. Inform patient concerning fees and financial arrangements;

(F) Update patient records at each session. Such updated patient record information shall include, but shall not be limited to the following:

1. Changes or additions regarding patient assessment;
2. Date and type of acupuncture service provided;
3. The signature of the acupuncturist, license number, and when applicable the name of the detox technician or acupuncturist trainee that provided the acupuncture service;

(G) Provide current information concerning anticipated course of treatment;

(H) Safeguard the maintenance, storage, and disposal of records of patients so that unauthorized person(s) shall not have access to patient records; and

(I) Inform a patient regarding the limits of confidentiality when providing services.

(3) An acupuncturist shall not delegate acupuncture duties to a person that is not qualified or licensed to perform acupuncture.

(4) For the purpose of this rule, but not necessarily for other legal purposes, an acupuncturist shall maintain patient records for a minimum of five (5) years after the date of service is rendered, or not less than the time required by other applicable regulations, if that time is longer than five (5) years.

(5) If services are to be provided by an acupuncturist trainee or detox technician the patient shall be advised in advance.

(6) Acupuncturists, auricular detox technicians, and acupuncturist trainees under the supervision of a licensed acupuncturist shall follow the standards for Clean Needle Technique (CNT) as published by the National Acupuncture Foundation in effect at the time the acupuncture service is performed, and shall follow universal precautions.

(A) For the purpose of this rule, "universal precautions" is an approach to infection control as defined by the Center for Disease Control (CDC). According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and other blood borne pathogens.

(7) All disposable needles shall be disposed of immediately after use and placed in a biohazard container as required by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA).

(8) When reusable needles are used, a basic, double sterilization procedure protocol shall be utilized. Specific procedures of the protocol are outlined in the *Clean Needle Technique Manual* published by the National Acupuncture Foundation. The procedures include, but are not limited to the following:

(A) Immediately after each use, the reusable needle shall be stored in a container designated for contaminated needles. Initial sterilization may be obtained by using a chemical sterilant;

(B) After the first sterilization, the needle shall be soaked in a chemical disinfectant as defined in section (10) of this rule; and

(C) Final sterilization procedures shall conform to one of the following:

1. Pressurized steam bath, such as an autoclave, at a required two hundred fifty degrees Fahrenheit (250°F), at fifteen (15) pounds pressure for thirty (30) minutes. The pressure must be released quickly at the end of the sterilization cycle; or

2. Dry heat sterilization at a required three hundred thirty-eight degrees Fahrenheit (338°F) for two (2) hours.

(9) Glass bead devices, boiling water, alcohol and pressure cookers shall not be acceptable forms of sterilization.

(10) After each patient, a chemical disinfectant shall be used on all equipment that does not penetrate the skin, come into direct contact with needles, or is made of rubber or plastic. Chemical disinfectants include, but are not limited to:

(A) Chlorine-based agents, such as bleach;

(B) Aqueous solution of two percent (2%) glutaraldehyde;

(C) Seventy percent (70%) ethyl or isopropyl alcohol.

AUTHORITY: sections 324.481 and 324.496, RSMo 2000. Original rule filed July 24, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated two thousand one hundred ninety dollars (\$2,190) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated twenty one thousand dollars (\$21,000) for the first year of implementation of the rule. Thereafter, the committee is anticipating an annual growth rate of two (2) licensees. Therefore, the committee estimates that the private entity cost to comply with this rule will be twenty one thousand dollars (\$21,000) annually with

a continuous annual increase of one thousand dollars (\$1,000) for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 3- Standards of Practice, Code of Ethics, Professional Conduct**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-3.010 Standards of Practice

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Acupuncturist Advisory Committee	\$2,190

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for mailing correspondence;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 20%
Personal Service	\$0	\$1,120
Expense & Equipment	\$0	\$200
Transfers	\$0	\$807
TOTAL	\$0	\$2,190

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee. size and then adjusted accordingly to reflect the expected number of licensees

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 20% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 15 - Missouri Acupuncturist Advisory Committee**Chapter:** 3 - Standards of Practice, Code of Ethics, Professional Conduct**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-3.010 Standards of Practice

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
42	Individuals (liability insurance)	\$21,000.00
Total Cost of Compliance for the First Year of Implementation of the Rule		\$21,000.00
Total Annual Cost of Compliance		\$21,000.00 plus an annual continuous increase of \$1,000.00

III. WORKSHEET

Liability insurance @ \$500.00

IV. ASSUMPTIONS

1. The board's estimate regarding the liability insurance is based on an average cost obtained from several insurance companies.
2. Missouri statutes and rules do not mandate that licensed acupuncturists carry liability insurance, however, because practitioners are encouraged to carry such insurance, the cost has been included in this fiscal note.
3. The private entity cost for this proposed rule is estimated to be \$21,000.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by two (2) annually based on the assumptions detailed in 4 CSR 15-2.010. Therefore, the board estimates that the private entity cost to comply with this rule will be \$21,000.00 annually with a continuous annual increase of \$1,000.00 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 15—Acupuncturist Advisory Committee
Chapter 3—Standards of Practice, Code of Ethics,
Professional Conduct**

PROPOSED RULE

4 CSR 15-3.020 Code of Ethics

PURPOSE: This rule establishes the code of ethics for applicants and acupuncturists.

- (1) All applicants and licensees shall:
- (A) Demonstrate behavior that reflects integrity, supports objectivity, and fosters trust in the profession of acupuncture;
 - (B) Conduct business and activities relating to acupuncture with honesty and integrity;
 - (C) Respect and protect the legal and personal rights of the patient/client, including the right to informed consent, refusal of treatment, and refrain from endangering patient health, safety or welfare;
 - (D) Refuse to participate in illegal or unethical acts, or conceal illegal, unethical or incompetent acts of others;
 - (E) When conducting research the acupuncturist shall comply with federal, state and local laws or rules and applicable standards of ethical procedures regarding research with human subjects;
 - (F) Comply with all state and federal laws and regulations regarding the practice of acupuncture;
 - (G) Not allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment and skills;
 - (H) Within the limits of the law, an acupuncturist shall report to the advisory committee all knowledge pertaining to known or suspected violations of the laws and regulations governing the practice of acupuncture that is not confidential and/or any other applicable state or federal laws and rules. The acupuncturist shall cooperate with any investigation or proceeding.

- (2) An acupuncturist shall not:
- (A) Encourage unnecessary or unjustified acupuncture services;
 - (B) Engage in any verbally or physically abusive behavior with a patient/client, detox technician or trainee;
 - (C) Exploit a patient/client, detox technician or trainee for the purpose of financial gain. For the purpose of this rule exploitation shall be defined as any relationship between the acupuncturist, patient/client, technician, or trainee that may cause harm to the patient/client, technician or trainee;
 - (D) Accept gifts or benefits intended to influence a referral, decision or treatment that are primarily for personal gain;
 - (E) Engage in or exercise influence concerning sexual activity with a patient, trainee(s) or detox technician during an ongoing professional relationship with such person or within six (6) months after termination of such professional relationship:

1. For the purpose of this rule sexual activity shall include but not be limited to kissing, touching, caressing by any person or between persons that is intended to erotically stimulate either person, or which is likely to cause such stimulation and includes sexual intercourse, sodomy, fellatio, cunnilingus, masturbation, oral copulation, and penetrating the anal or vaginal opening with any thing. Sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm or ejaculation has occurred. For the purpose of this rule, masturbation means the manipulation of any body tissue with the intent to cause sexual arousal.

- (3) Failure of an applicant to adhere to the code of ethics constitutes unprofessional conduct and may be grounds for denial or discipline of a license.

AUTHORITY: sections 324.481 and 324.496, RSMo 2000. Original rule filed July 24, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated two thousand one hundred ninety dollars (\$2,190) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 3- Standards of Practice, Code of Ethics, Professional Conduct**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-3.020 Code of Ethics

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Acupuncturist Advisory Committee	\$2,190

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for mailing correspondence;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 20%
Personal Service	\$0	\$1,120
Expense & Equipment	\$0	\$200
Transfers	\$0	\$807
TOTAL	\$0	\$2,190

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 20% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 15—Acupuncturist Advisory Committee
Chapter 4—Supervision of Auricular Detox Technicians
and Acupuncturist Trainees**

PROPOSED RULE

4 CSR 15-4.010 Supervision of Auricular Detox Technicians

PURPOSE: This rule outlines the requirements for supervision of auricular detox technicians.

(1) An auricular detox technician (hereinafter technician) shall insert and remove acupuncture needles in the auricle of the ear only. The points where a technician shall insert needles are limited specifically to the points known as Shen Men, Lung, Liver, Kidney, and Sympathetic as described and located by the National Acupuncture Detox Association (NADA) or other national entity approved by the advisory committee.

(2) A licensed acupuncturist shall provide supervision of a technician. For the purpose of this rule, electronic communication is acceptable for supervision if the communication is visually and/or verbally interactive and no more than fifty percent (50%) of the supervision shall be by electronic means.

(A) A licensed acupuncturist shall be available on-site or by telephone or pager during normal business hours.

(3) Each technician shall meet with the licensed acupuncturist supervisor face-to-face a minimum of two (2) hours per week every two (2) weeks for each detox program utilizing the technician. The technician must obtain at least four (4) hours of supervision within a calendar month for each detox program.

(4) The licensed acupuncturist must exercise professional judgement when determining the number of technicians s/he can safely and effectively supervise to ensure that quality care is provided at all times.

(5) Any duties assigned to a technician must be determined and appropriately supervised by a licensed acupuncturist and must not exceed the level of training, knowledge, skill, and competence of the detox technician being supervised. An acupuncturist may delegate to a technician only specific tasks that are not evaluative, assessment oriented, task selective, or recommending in nature.

(6) The licensed supervising acupuncturist is responsible for the professional conduct of a technician functioning in the acupuncture setting and performing procedures as defined in section (1) of this rule.

(7) Duties or functions that a technician may not perform include, but are not limited to:

(A) Interpretation of referrals or prescriptions for acupuncture services;

(B) Evaluative procedures;

(C) Development, planning, adjusting or modification of acupuncture treatment procedures;

(D) Acting on behalf of the acupuncturist in any matter related to direct patient care that requires judgement or decision making; and

(E) Any acupuncture service performed independently or without supervision of a licensed acupuncturist.

AUTHORITY: sections 324.475, 324.481 and 324.484, RSMo 2000. Original rule filed July 24, 2001.

PUBLIC COST: This proposed rule will cost state agencies and political subdivisions an estimated five hundred forty-eight dollars

((\$548) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 15-Acupuncturist Advisory Committee

Chapter: 4 – Supervision of Auricular Detox Technicians

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 15-4.010 Supervision of Auricular Detox Technicians

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Acupuncturist Advisory Committee	\$548

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses incurred in mailing correspondence;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, survey inspections, investigations and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Annual Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 5%
Personal Service	\$0	\$280
Expense & Equipment	\$0	\$50
Transfers	\$0	\$218
TOTAL	\$0	\$548

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and

equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 50% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 15—Acupuncturist Advisory Committee
Chapter 4—Supervision of Auricular Detox
Technicians and Acupuncturist Trainees**

*ered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PROPOSED RULE

4 CSR 15-4.020 Supervision of Acupuncturist Trainees

PURPOSE: This rule outlines the requirements for supervision of acupuncturist trainees.

(1) An acupuncturist trainee (trainee) shall practice acupuncture on members of the public while under the direct supervision of a licensed acupuncturist. For the purpose of this rule direct supervision shall be defined as control, direction, instruction and regulation of a student at all times.

(2) In order to qualify as a trainee, the individual shall be enrolled in a course of study authorized by the advisory committee.

(3) Acupuncture programs certified by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) are considered acceptable programs for the training of acupuncturists.

(4) Programs that are not certified by ACAOM shall consist of a curriculum that is at least three (3) academic years in length with a minimum of ninety-three (93) semester credits or one thousand seven hundred and twenty-five (1,725) hours of study. The curriculum shall be composed of at least:

(A) Forty-seven (47) semester credits (seven hundred five (705) clock hours) in Oriental medical theory, diagnosis and treatment techniques in acupuncture and related studies;

(B) Twenty-two (22) semester credits (six hundred sixty (660) clock hours) in clinical training; and

(C) Twenty-four (24) semester credits (three hundred sixty (360) clock hours) in biomedical clinical sciences.

(5) Any duties assigned to an acupuncturist trainee must be supervised by a licensed acupuncturist and must not exceed the level of training, knowledge, skill, and competence of the individual being supervised. The licensed acupuncturist is responsible for the acts or actions performed by any acupuncturist trainee functioning in the acupuncture setting.

(6) Trainees shall not receive compensation for any acupuncture services.

AUTHORITY: section 324.481 and 324.487, RSMo 2000. Original rule filed July 24, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated five hundred forty-eight dollars (\$548) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be consid-

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 4 – Supervision of Auricular Detox Technicians**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-4.020 Supervision of Acupuncturist Trainees

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Acupuncturist Advisory Committee	\$548

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses incurred in mailing correspondence;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, survey inspections, investigations and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Annual Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 5%
Personal Service	\$0	\$280
Expense & Equipment	\$0	\$50
Transfers	\$0	\$218
TOTAL	\$0	\$548

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and

equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 50% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 6—[Licensing] Registration of Athletic
Trainers**

PROPOSED AMENDMENT

4 CSR 150-6.010 Definitions. The board is proposing to amend the title of the chapter.

PURPOSE: This amendment changes the terminology used in the chapter title to be consistent with the terminology of sections 334.700–334.725, RSMo.

AUTHORITY: sections 334.125 and 334.706.3(2), RSMo [1986] **2000**. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. Amended: Filed Sept. 15, 1988, effective Jan. 1, 1989. Amended: Filed July 30, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts—Athletic Trainers Advisory Committee, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 165—Board of Examiners for Hearing
Instrument Specialists
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 165-1.020 Fees. The board is proposing to amend subsection (1)(G), add new language in subsection (1)(H), and reletter the remaining subsections accordingly.

PURPOSE: This proposed amendment establishes a reactivation fee. This amendment also changes the penalty fee to a reactivation fee.

(1) The following fees are established by the Board of Examiners for Hearing Instrument Specialists and are payable in the form of a cashier's check, money order or personal check:

(G) License Renewal	[\$125.00]
1. In addition one (1) to sixty (60) days late	\$ 100.00
2. In addition sixty-one (61) days to two (2) years late	\$ 250.00]
1. Prior to January 1, 2004	\$125.00
2. Effective January 1, 2004	\$250.00
(H) Reactivation Fee	
1. One (1) to sixty (60) days after expiration date of license	\$100.00
2. Sixty-one (61) days to two (2) years after expiration date of license	\$250.00

[(H)] (I) Endorsement to Another State	\$ 10.00
[(I)] (J) Replacement Wall Hanging	\$ 15.00
[(J)] Computer Printout (per page)	\$.50
(K) Copy Fee (per page)	\$.25
(L) Research Fee (half-hour minimum)	\$35.00]
[(M)](K) Insufficient Funds Check	\$ 50.00

AUTHORITY: section[s] 346.115.1(7) and (8), RSMo [Supp. 1998] **2000**. Emergency rule filed March 18, 1996, effective March 28, 1996, expired Sept. 23, 1996. Emergency rule filed Oct. 28, 1996, effective Nov. 7, 1996, expired May 5, 1997. Original rule filed Oct. 16, 1996, effective May 30, 1997. Amended: Filed April 30, 1999, effective Oct. 30, 1999. Amended: Filed July 30, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate as the board is merely implementing a biennial renewal.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Examiners for Hearing Instrument Specialists, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 165—Board of Examiners for Hearing
Instrument Specialists
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 165-2.050 Continuing Education Requirements. The board is proposing to amend section (1) and add new language in section (2).

PURPOSE: This proposed amendment removes the requirement that a continuing education program must be open to any Missouri licensed hearing instrument specialist or hearing instrument specialist in training. It also outlines specific information that the evidence of attendance must include.

(1) The following guidelines govern the attendance and approval of educational programs for [annual] license renewal:

(A) The board may approve individual educational programs whose curriculum provides training which enhances the licensee's ability to dispense hearing instruments and which benefits the hearing impaired. Documentation supporting the educational program's relevance is required. [The program also must be open to any Missouri licensed hearing instrument specialist or hearing instrument specialist in training:] **The board will automatically approve continuing education programs that are approved by the following organizations without requiring documentation supporting the educational program's relevance:**

1. International Hearing Society (IHS);
2. American Speech and Hearing Association (ASHA);
3. American Audiology Association (AAA);

(B) Any group or individual that wishes to sponsor an educational program to meet the standard for annual license renewal in Missouri that is not approved by the organizations listed in subsection (1)(A) of this rule, shall submit a copy of the program

schedule and outline to the board. The outline shall indicate the program subject, the number of hours required for its presentation and the identity and qualifications of the speakers and instructors and shall be submitted to the board no less than thirty (30) days prior to the presentation of the program.

[1.] (C) The licensee may submit the information outlined in 4 CSR 165-2.050(1)(B) to the board for review and approval[; and].

[(C) Each sponsoring organization or licensee shall provide evidence of attendance, showing at least the date and place of the meeting.]

(2) Each licensee shall be provided with evidence of attendance from the sponsoring organization. This evidence shall be in the form of documentation received from the sponsoring organization, showing the name of the course, date, place and hours of attendance. All licensees shall maintain full and complete records of all approved continuing education hours earned for the two (2) previous reporting periods in additions to the current reporting period.

AUTHORITY: section 346.115.1(7), RSMo [Supp. 1998] 2000. Original rule filed Oct. 16, 1996, effective May 30, 1997. Amended: Filed June 22, 1999, effective Dec. 30, 1999. Amended: Filed July 30, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Examiners for Hearing Instrument Specialists, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 165—Board of Examiners for Hearing
Instrument Specialists
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 165-2.060 [Annual] License Renewal. The board is proposing to amend the title, section (4), add new language in section (5), renumber the remaining sections accordingly, and add new language in section (8).

PURPOSE: This amendment defines the minimum standards for continuing education and implements a biennial renewal. This amendment also relieves the licensee from submitting evidence of attendance of continuing education with the renewal unless specified by the board and allows the board to audit continuing education hours. Additionally, this amendment adds a provision governing the reactivation of non-current licenses.

(4) **Prior to January 1, 2004,** [T]he following guidelines govern the attendance of educational programs for annual license renewal:

(A) The licensee shall provide evidence of attendance **upon request of the board.** Every licensee shall maintain full and complete records of all approved continuing education hours

earned for the two (2) previous reporting periods in addition to the current reporting period. Such records shall include all attendance certificates of approved continuing education hours. The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall provide all approved continuing education certificates to the board within fifteen (15) days of the board's request of such documentation; [and]

(B) This evidence must demonstrate that the licensee attended a minimum of twelve (12) hours of **approved** educational hearing instrument programs during the [preceding year.] **current reporting period; and**

(C) The continuing education reporting period shall consist of a one (1)-year period. It shall begin each year on January 1 and end on December 31 of that same year.

(5) Effective January 1, 2004, the following guidelines govern the attendance of educational programs for biennial license renewal:

(A) The licensee shall provide evidence of attendance upon request of the board. Every licensee shall maintain full and complete records of all approved continuing education hours earned for the two (2) previous reporting periods in addition to the current reporting period. Such records shall include all attendance certificates of approved continuing education hours. The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall provide all approved continuing education certificates to the board within fifteen (15) days of the board's request of such documentation;

(B) This evidence must demonstrate that the licensee attended a minimum of twenty-four (24) hours of approved educational hearing instrument programs during the current reporting period;

(C) The continuing education reporting period shall consist of a two (2)-year period. It shall begin on January 1 of even numbered years and end on December 31 of the following year.

[(5)](6) When an organization owns or leases all or a portion of the audiometers utilized by the hearing instrument specialist employed, the organization must submit annual receipt of calibration as required in 4 CSR 165-2.060(3). A hearing instrument specialist employed with such an organization who utilizes only this equipment may reference this annual receipt as evidence of compliance with his/her annual calibration requirements.

[(6)](7) The first twelve (12) hours of the [C]continuing education requirements will be waived during the initial year of licensure as a hearing instrument specialist. **Effective January 1, 2004, the new licensee will be required to obtain the remaining twelve (12) hours of the twenty-four (24)-hour continuing education requirement should the licensee become licensed in the first year of the continuing education reporting period. If the new licensee becomes licensed in the second year of the continuing education reporting period the continuing education requirement shall be waived for that reporting period.**

(8) **Reactivation of Non-Current License.**

(A) Any hearing instrument specialist license, which is not renewed prior to the expiration date of the license, shall become non-current. Persons with non-current licenses shall not engage in the fitting of hearing instruments.

(B) In order to reactivate a non-current license the hearing instrument specialist must submit the following:

1. Renewal application;
2. Renewal fee;
3. Reactivation fee;
4. Annual calibration receipt;

5. Company certification;

6. Prior to January 2004, proof of twelve (12) hours of attendance at an approved continuing education program(s). These hours must have been obtained during the preceding twelve (12) months from the date of application for reactivation;

7. Effective January 2004, proof of twenty-four (24) hours of attendance at an approved continuing education program(s). These hours must have been obtained during the preceding twenty-four (24) months from the date of application for reactivation.

(C) Hearing instrument specialists may reactivate a non-current license within two (2) years of its expiration date. Any hearing instrument specialist license not reactivated within two (2) years of the expiration date shall become void.

AUTHORITY: section 346.115.1(7), RSMo [Supp. 1996] 2000. Emergency rule filed Oct. 28, 1996, effective Nov. 7, 1996, expired May 5, 1997. Original rule filed Nov. 6, 1996, effective May 30, 1997. Amended: Filed July 30, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate as this amendment renames the penalty fee to a reactivation fee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Examiners for Hearing Instrument Specialists, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 220-2.010 Pharmacy Standards of Operation. The board is proposing to delete the current language of section (8) and replace with new language.

PURPOSE: The purpose of this amendment to section (8) is to expand the provisions to provide that a home health or hospice agency, or any employee of such agency, may possess drugs in the usual course of business of such agency, without being licensed as a pharmacist or a pharmacy. Accessibility of the drugs described in this amendment will allow those individuals employed by the home health care or hospice agency to provide more timely, efficient and safe health care for the patients of the home health care or hospice agency.

[(8) A home health care or hospice nurse who carries, as a part of a physician's protocol, an emergency kit containing heparin for injection, normal saline for injection, diphenhydramine for injection, epinephrine for injection, and immunizations for influenza, pneumonia and TB testing, does not need to obtain licensure as a pharmacist or a pharmacy.

(A) Drugs stored in a kit and carried by the nurse during the course of his/her normal work shift, shall be stored or transported at all times in accordance with manufacturer

standards. Refrigerator units used for storing drugs must not be used for storing non-drug related items.

(B) The amount of drugs for use in a kit shall be limited to initial dosage amounts and does not include the stock-piling of a supply of drugs at the home health or hospice facility.]

(8) A home health or hospice agency licensed or certified according to Chapter 197, RSMo, or any employee of such agency, may possess drugs in the usual course of business of such agency without being licensed as a pharmacist or a pharmacy.

(A) The list of drugs that may be possessed by a home health or hospice agency without a license or permit, as defined in section (8), is as follows:

1. Injectable dosage forms of sodium chloride, water and heparin; heparin shall be possessed only in concentrations for maintaining venous access devices;

2. Irrigation dosage forms of sodium chloride and water that carry a federal prescription only restriction;

3. Injectable dosage forms of diphenhydramine and epinephrine;

4. Vaccines indicated for public health needs, such as influenza, pneumonia, hepatitis A and hepatitis B; and

5. Tuberculin test material.

(B) The agency shall have a policy and procedure that addresses at least the following:

1. Specific drugs authorized to be possessed by the agency and the nurse;

2. Indications for use of the drugs possessed;

3. Receiving physicians' orders for administration of the drugs;

4. Leaving drugs with the patient for routine care procedures;

5. Conditions for storage and transport of the drugs by the agency and the nurse; and

6. Quantity of drugs possessed by the agency and the nurse.

(C) The nurse must have a physician's authorization, such as an individual patient order, protocol or standing order, to administer the drugs.

(D) When the patient or the patient's representative has been instructed, verbally and in writing, in the performance of routine care procedures, up to a two (2)-week supply of drugs listed in paragraphs (8)(A)1. and (8)(A)2., may be left with the patient for these procedures. Drugs left with the patient shall be labeled with instructions for use. A record shall be made of all drugs left with the patient in the patient's medical record. Drugs left with the patient may not be returned to the agency.

(E) Drugs may be stored at the agency or transported by the nurse, and shall be stored or transported at all times in accordance with the manufacturer's storage requirements. Refrigerator units used by the agency for storing drugs shall not be used for storing non-drug items.

(F) All drugs must be received from a licensed pharmacy or drug distributor. The quantity of drugs possessed by an agency shall be limited to that necessary to meet the needs of the agency's patient population for two (2) weeks.

*AUTHORITY: sections 338.010, 338.140, [Supp. 1999] 338.240 and 338.280, RSMo [1994 and] 2000. Original rule filed July 18, 1962, effective July 28, 1962. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 24, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 10—Utilities**

PROPOSED RESCISSION

4 CSR 240-10.020 Income on Depreciation Fund Investments. This rule prescribed the use of income on investments from depreciation funds and the means for accounting for that income.

PURPOSE: The rule was adopted in connection with the provisions of sections 392.280 (governing telecommunications companies) and 393.240 (governing all other regulated companies) RSMo 2000. These statutes authorize the commission to require regulated companies to carry an adequate depreciation account under the commission's rules. The rule is obsolete concerning rate-based regulated companies. The rule prescribes the uses of income on investments from depreciation funds, the appropriate interest rate, and how the funds are accounted for when setting reasonable rates. The current practice, which has been used for several decades, is to use the accumulated depreciation reserve amount as a reduction to rate base when calculating reasonable rates.

AUTHORITY: sections 392.280 and 393.260, RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition of this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. AX-2001-634 and be filed with an original and eight (8) copies. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 35—Reporting of Bypass and Customer
Specific Arrangements by Telephone
Corporations**

PROPOSED RESCISSION

4 CSR 240-35.010 Definitions. This rule defined terms used in the rules comprising Chapter 35.

PURPOSE: This rule is being rescinded because it is no longer applicable and is obsolete in relation to the telecommunications industry. Chapter 35 provides for instances of "bypass" reporting, which is defined as the origination, termination, or both, of any intrastate telecommunication without the use of the local exchange company's network facilities. Chapter 35 was originally used to monitor the impact of certain aspects of competition in the provision of telecommunications service. With the implementation of the Telecommunications Act of 1996, and the increase in telecommunications competition in Missouri, this rule is no longer applicable.

AUTHORITY: sections 386.040, 386.320, RSMo 1986, 386.250, RSMo Supp. 1991 and 392.210, RSMo Supp. 1987. Original rule filed Feb. 13, 1985, effective Sept. 15, 1985. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition of this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. TX-2001-636 and be filed with an original and eight (8) copies. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 35—Reporting of Bypass and Customer
Specific Arrangements by Telephone Corporations**

PROPOSED RESCISSION

4 CSR 240-35.020 General Provisions. This rule set forth the applicability of the rules comprising Chapter 35.

PURPOSE: This rule is being rescinded because it is no longer applicable and is obsolete in relation to the telecommunications industry. Chapter 35 provides for instances of "bypass" reporting, which is defined as the origination, termination, or both, of any intrastate telecommunication without the use of the local exchange company's network facilities. Chapter 35 was originally used to monitor the impact of certain aspects of competition in the provision of telecommunications service. With the implementation of the Telecommunications Act of 1996, and the increase in telecommunications competition in Missouri, this rule is no longer applicable.

AUTHORITY: sections 386.040, 386.320, RSMo 1986, 386.250, RSMo Supp. 1991 and 392.210, RSMo Supp. 1987. Original rule filed Feb. 13, 1985, effective Sept. 15, 1985. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition of this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. TX-2001-636, and be filed with an original and eight (8) copies. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 35—Reporting of Bypass and Customer
Specific Arrangements by Telephone
Corporations**

PROPOSED RESCISSION

4 CSR 240-35.030 Reporting of Bypass and Customer Specific Arrangements. This rule identified who shall report instances of bypass and customer specific arrangements and the content of the reports.

PURPOSE: This rule is being rescinded because it is no longer applicable and is obsolete in relation to the telecommunications industry. Chapter 35 provides for instances of "bypass" reporting, which is defined as the origination, termination, or both, of any intrastate telecommunication without the use of the local exchange company's network facilities. Chapter 35 was originally used to monitor the impact of certain aspects of competition in the provision of telecommunications service. With the implementation of the Telecommunications Act of 1996, and the increase in telecommunications competition in Missouri, this rule is no longer applicable.

AUTHORITY: sections 386.040, 386.320, RSMo 1986, 386.250, RSMo Supp. 1991 and 392.210, RSMo Supp. 1987. Original rule filed Feb. 13, 1985, effective Sept. 15, 1985. Amended: Filed June 10, 1987, effective Sept. 15, 1987. Amended: Filed May 26, 1989, effective Oct. 16, 1989. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition of this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. TX-2001-636, and be filed with an original and eight (8) copies. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.010 General Organization. This rule described the authority and requirements of the Board for Certification of Interpreters.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.287 and 209.292, RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.010 General Organization

PURPOSE: This rule describes the composition, primary duty, record keeping, and meeting procedures of the Board for Certification of Interpreters.

(1) There is established within the Missouri Commission for the Deaf (MCD) a "Board for Certification of Interpreters" (BCI), which shall be composed of five (5) members. The executive director of the MCD or his/her designee shall be a nonvoting member of the BCI.

(2) The members of the BCI shall be appointed by the governor with the advice and consent of the senate from a list of recommendations from the MCD. The BCI shall elect from its membership a chairperson and a secretary. A quorum of the BCI shall consist of three (3) of its members.

(3) The BCI shall meet not less than two (2) times per year.

(4) By the authority established in sections 209.292(1) and 209.292(2), RSMo, the BCI is the only entity in the state of Missouri with the power to officially evaluate and certify interpreters in order that they may meet the requirements for licensing by the Missouri State Committee of Interpreters. Other powers and duties of the BCI are detailed in section 209.292, RSMo.

(5) The coordinator of the Missouri Interpreter Certification System (MICS) shall be hired by the executive director of the MCD, and shall be responsible for implementing policies and decisions of the BCI, maintaining the BCI's records, and responding to all requests for access to the BCI's public records.

(6) The public may obtain information from, as well as make submissions to, the BCI by submitting their requests or materials in writing to the MICS coordinator at the MCD office.

(A) All public records of the BCI shall be open for inspection and copying by persons in the general public during normal business

hours. However, records closed pursuant to section 610.021, RSMo, compiled in connection with the investigation of a complaint against the certification process, or compiled for the purpose of processing applications for certification are confidential and therefore not subject to inspection by the public.

(B) A fee may be charged by the BCI for making copies of its records. See 5 CSR 100-200.150 Fees.

(C) It shall be improper for any BCI member, MCD member, or MCD staff member to discuss with any person, except members of the BCI, MCD, staff of the MCD, State Committee of Interpreters, staff of the State Committee of Interpreters, or counsel for any of these agencies, any matter which is confidential, including complaints against the certification process, that is pending before the BCI, MCD, State Committee of Interpreters, or the Administrative Hearing Commission.

(7) All meetings of the BCI not closed pursuant to the provisions of section 610.021, RSMo, shall be open to any person in the general public.

(8) Individuals wishing to make a presentation at a BCI meeting must submit their requests in writing to the executive director of the MCD a minimum of three (3) working days prior to the meeting.

AUTHORITY: sections 209.287, 209.292, and 209.295(8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.030 Missouri Interpreter Certification System.

This rule described the certification test to be utilized by the Board for Certification of Interpreters, as the only certifying authority in the state of Missouri.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.292(11), 209.295(8), and 209.305, RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.030 Missouri Interpreter Certification System

PURPOSE: This rule describes the basic components of the Missouri Interpreter Certification System, as well as the types and levels of certification issued by the Board for Certification of Interpreters.

(1) Any individual who practices interpreting in the state of Missouri as defined in 209.285 and 209.321, RSMo, must be certified in the Missouri Interpreter Certification System (MICS).

(2) The Missouri Commission for the Deaf (MCD) authorizes the Board for Certification of Interpreters (BCI) to purchase or develop materials to be used as the most appropriate testing materials for certifying interpreters in the state of Missouri.

(3) The MICS has two (2) basic components—a written test and a performance test. A person is required to obtain a passing score on the written test before being allowed to take the performance test.

(A) The written test may cover, but is not limited to:

1. Knowledge of general interpreting procedures and situations;
2. Knowledge of issues and situations facing interpreters;
3. Knowledge of Ethical Rules of Conduct for interpreters; and
4. Knowledge of issues pertaining to deaf and hard of hearing individuals.

(B) The performance test may cover, but is not limited to:

1. Interpreting from spoken English to American Sign Language;
2. Interpreting from American Sign Language to spoken English;
3. Transliterating from spoken English to an English-based sign system; and
4. Transliterating from an English-based sign system to spoken English.

(4) The performance evaluation is the measurement tool used to analyze the performance test and determine the applicant's ability to facilitate communication between deaf or hard of hearing people and persons who are hearing by means of one (1) or more of the skills detailed in subsection (3)(B) above.

(5) The MICS performance evaluation standards shall be based upon the testing materials used. The types and levels of interpreter certification granted by the MICS through performance evaluation are Novice, Apprentice, Intermediate, Advanced, Comprehensive, and Restricted Certification in Education.

(A) Four (4) of the MICS certifications granted through performance evaluation, namely, comprehensive, Advanced, Intermediate, and Restricted Certification in Education, are

renewable annually, provided that the holder complies with the requirements regarding Certification Maintenance detailed in 5 CSR 100-200.130, and that the holder commits no violation of any provision of the *Revised Statutes of Missouri* or the *Missouri Code of State Regulations* pertaining to interpreter certification or licensure.

(B) Two (2) of the MICS certifications granted through performance evaluation, namely, Apprentice and Novice, are nonrenewable. These two (2) certifications are valid for three (3) years from the date of issue, providing that the holder complies with the requirements regarding Certification Maintenance detailed in 5 CSR 100-200.130, and that the holder commits no violation of any provision of the *Revised Statutes of Missouri* or the *Missouri Code of State Regulations* pertaining to interpreter certification or licensure. The holders of nonrenewable certifications, which have expired or will expire, may obtain recertification by reapplication, performance testing and evaluation pursuant to rule 5 CSR 100-200.075.

(6) The only certification granted by the BCI without performance evaluation is the Intern/Practicum Certification.

(7) At this time, the BCI is not issuing a provisional certification as authorized in 209.309, RSMo.

AUTHORITY: sections 209.292(1), (2) and (11), 209.295(8) and 209.305, RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.040 Restricted Permit in Education. This rule outlined how individuals may be granted a Restricted Permit in Education for elementary and secondary school settings.

PURPOSE: This rule is being rescinded as the Restricted Permit in Education will no longer be issued by the Missouri Commission for the Deaf.

AUTHORITY: sections 209.292(1) and 209.295(1) and (3), RSMo 1994. Original rule filed May 14, 1997, effective Dec. 30, 1997. Amended: Filed Oct. 21, 1997, effective April 30, 1998. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RULE

5 CSR 100-200.040 Restricted Certification in Education

PURPOSE: This rule outlines how individuals may be granted a Restricted Certification in Education which will allow the holder to interpret only in educational settings.

(1) The Restricted Certification in Education (RCED) shall be valid for interpreting only in educational settings as set forth in 5 CSR 100-200.170, including elementary and secondary schools, junior colleges, technical institutes, colleges, universities, and professional schools.

(2) The RCED shall be given based on the applicant's ability to meet the minimum criteria for the Intermediate Certification level in either:

(A) Interpreting from spoken English to American Sign Language and from American Sign Language to spoken English; or

(B) Transliterating from spoken English to an English-based sign system and from an English-based sign system to spoken English.

AUTHORITY: sections 209.292(1), and 209.295(1), (3) and (8), RSMo 2000. Original rule filed May 14, 1997, effective Dec. 30, 1997. Amended: Filed Oct. 21, 1997, effective April 30, 1998. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.050 Application for Missouri Interpreter Certification. This rule provided specific instructions to applicants regarding certification or permit application.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: section 209.295(1), RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.050 Application for Interpreter Certification in Missouri

PURPOSE: This rule provides information regarding application procedures for interpreter certification in Missouri.

(1) To be eligible for certification in the Missouri Interpreter Certification System (MICS), each applicant must:

- (A) Be eighteen (18) years of age or older; and
- (B) Hold a high school diploma or its equivalent.

(2) An application for certification must be completed on a form developed by the Board for Certification of Interpreters. Application forms may be obtained by writing to the office of the Missouri Commission for the Deaf.

(3) Applicants for certification must meet the eligibility requirements for the MICS specified in section (1) above. Applicants who do not meet the eligibility requirements will be so informed by a letter of denial, which will indicate the reason(s) for the denial.

(4) An application must be properly completed, notarized, and submitted with the appropriate fee in order for the applicant to be considered for the certification process.

(5) The completed application must clearly describe the applicant's intent to:

- (A) Obtain a standard MICS certification through written and performance testing;
- (B) Obtain a Restricted Certification in Education through written and performance testing;
- (C) Obtain an Intern/Practicum Certification; or
- (D) Convert certification.

(6) Applicants desiring to take the written test will be responsible for scheduling the date, time and location of their written test with the coordinator. The written test will be waived for individuals requesting reevaluation. See 5 CSR 100-200.070(5) and 5 CSR 100-200.075.

(7) Applicants not available for the written examination within twelve (12) months of the date of their application will forfeit both their application and application fee. Any such applicants will have to reapply as outlined above, and submit a new application along with the appropriate application fee.

AUTHORITY: sections 209.292(1), and 209.295(1) and (8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.060 Written Examination. This rule specifically outlined the process involved in the written examination.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.292(1) and 209.295(8), RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.060 Written Test

PURPOSE: *This rule provides information concerning the written test in the Missouri Interpreter Certification System.*

(1) The form, content, method of administration, passing standards, and method of scheduling of written tests in the Missouri Interpreter Certification System (MICS) shall be determined by the Board for Certification of Interpreters (BCI).

(2) MICS written tests for groups of applicants shall be offered at proctor sites throughout the state of Missouri as often as feasible, but not less than two (2) times a year. In addition, the MICS written test may normally be taken by individual applicants at the office of the Missouri Commission for the Deaf (MCD) on any weekday if it is scheduled with the coordinator at least three (3) days in advance.

(3) All applicants will upon request be notified of the date, time, and place of the next written test to be offered at a proctor site.

(4) The written test fee must be received at the MCD office prior to applicants being allowed to take the written test.

(5) All applicants failing to appear for a scheduled written test without reasonable prior notice, except in emergencies, will forfeit both their application and their application fee. When reasonable prior notice is given, or failure to appear is due to an emergency, the applicant will be allowed to reschedule their written test for some future time.

(6) All applicants will be notified of their written test results by letter.

(7) All applicants must have a passing score on the written test in order to qualify for taking the performance test.

(8) Any applicant unable to obtain a passing score on the written test must refrain from retesting for a period of at least six (6) months from the date of their last written test. Any such applicant may reapply to take the written test by submitting a new application form along with the appropriate application fee.

AUTHORITY: *sections 209.292(1) and 209.295(8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001.*

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.070 Performance Evaluation. This rule provided information in relation to the performance evaluation.

PURPOSE: *This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.*

AUTHORITY: *sections 209.295(8) and 209.299, RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded: Filed July 26, 2001.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RULE

5 CSR 100-200.070 Performance Test and Evaluation

PURPOSE: *This rule provides information concerning the performance test and evaluation in the Missouri Interpreter Certification System.*

(1) The form, content, method of administration, passing standards, and method of scheduling of performance tests and evaluations in the Missouri Interpreter Certification System (MICS) shall be determined by the Board for Certification of Interpreters (BCI).

(2) Performance tests may normally be taken by individual applicants at the office of the Missouri Commission for the Deaf (MCD) on any day of the week if they are scheduled with the coordinator at least thirty (30) days in advance.

(3) The performance test fee of all applicants must be received at the office of the MCD at least thirty (30) days prior to the date of their performance test.

(A) If no fee is received, an applicant scheduled for the performance test will not be allowed to take the performance test, and will have to reschedule a new date and time for their performance test.

(B) If the appropriate performance test fee has been received, then failure to appear for a scheduled performance test without reasonable prior notice, except in emergencies, will result in forfeiture of an applicant's performance test fee. When reasonable prior notice is given, or failure to appear is due to an emergency, the applicant will be allowed to reschedule their performance test for some future time.

(4) The coordinator of the MICS will inform all applicants of their evaluation results by letter after the completion of their performance evaluation.

(A) Included with the letter will be a wallet-sized certificate bearing the signature of the executive director of the MCD indicating the type or level of certification granted by the evaluators.

(B) A larger certificate suitable for framing and hanging on a wall may be issued if the applicant so desires and pays the appropriate fee.

(5) If the applicant is unable to obtain the minimum score necessary for certification, no certification will be issued. In such an instance:

(A) The applicant may apply to take the performance test again and be reevaluated by scheduling a new performance test date with the MICS coordinator and submitting the proper reevaluation fee;

(B) The applicant may not retake the performance test until at least six (6) months have passed from the date of his/her last performance test; and

(C) In all such cases of reevaluation, the written test will be waived.

AUTHORITY: sections 209.295(8) and 209.299, RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RULE

5 CSR 100-200.075 Voluntary Recertification

PURPOSE: This rule outlines the process whereby an interpreter seeking either to recertify as a Novice or Apprentice or to obtain a higher level of certification in the Missouri Interpreter Certification System can volunteer to be reevaluated.

(1) An interpreter in the Missouri Interpreter Certification System (MICS) can volunteer to have his/her performance retested and reevaluated in order to recertify as Novice or Apprentice or to obtain a higher certification level.

(A) An interpreter can apply for retesting reevaluation by contacting the coordinator and scheduling the reevaluation performance test.

(B) A reevaluation performance test fee must be submitted at least thirty (30) days prior to the date of the performance test.

1. If no fee is received, an applicant scheduled for a reevaluation performance test will not be allowed to take the reevaluation performance test, and will have to reschedule a new date and time for their reevaluation performance test.

2. If the appropriate reevaluation performance test fee has been received, then failure to appear for a scheduled reevaluation performance test without reasonable prior notice, except in emergencies, will result in forfeiture of an applicant's reevaluation performance test fee. When reasonable prior notice is given, or failure to appear is due to an emergency, the applicant will be allowed

to reschedule their reevaluation performance test for some future time without forfeiture of the fee.

(C) In cases of voluntary retesting and reevaluation, the performance test and reevaluation:

1. Shall have no effect on any renewable certification held by the interpreter other than to possibly qualify the interpreter for a higher level of certification.

2. Shall have no negative effect on the current status of a non-renewable certification. If an interpreter that holds a nonrenewable certification achieves the same or a higher level of certification than that currently held by the interpreter, the Board for Certification of Interpreters shall issue a new certification showing the same or higher level of certification achieved.

(2) An interpreter in the MICS may not retake the performance test and be reevaluated until at least six (6) months has passed from the date of his/her last performance test.

(3) An interpreter in the MICS shall not be retested and reevaluated unless he/she has submitted completion of continuing education requirements as set forth in 5 CSR 100-200.130.

AUTHORITY: sections 209.292(1), (2) and (11), and 209.295(8), RSMo 2000. Original rule filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RULE

5 CSR 100-200.080 Supplementary Performance Evaluations

PURPOSE: This rule provides information concerning how an individual may seek supplementary review of their performance test.

(1) If, for any reason, individuals think they have received an unfair evaluation outcome, whether they failed the performance test or received a lower certification level than they felt they deserved, they can request a supplementary evaluation of their performance test.

(2) The request for a supplementary evaluation of a performance test must be made in writing, and be submitted to the Board for Certification of Interpreters at the office of the Missouri Commission for the Deaf within thirty (30) days of the date that written notice of the questioned evaluation results are either delivered or mailed to the individual, whichever is earlier.

(3) A supplementary evaluation fee must be submitted along with the request.

(4) A supplementary evaluation team shall evaluate the performance test in question, and their evaluation scores will be combined with the scores of the original evaluators in determining the new combined evaluation outcome.

(A) If the new combined evaluation results in a higher certification level, then the new higher certification will be awarded.

(B) If the new combined evaluation results in the same certification level or a lower certification level, then the certification level will remain unchanged.

AUTHORITY: sections 209.292(1), (11) and (12), and 209.295(2) and (8), RSMo 2000. Original rule filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.085 Intern/Practicum Student Interpreting Permit Eligibility. This rule outlined the criteria necessary to obtain a permit for intern/practicum students currently enrolled in an accredited interpreter training program.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.295(8) and 209.297(2), RSMo 1994. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded: Filed July 26 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RULE

5 CSR 100-200.085 Intern/Practicum Certification

PURPOSE: This rule outlines the criteria necessary to obtain Intern/Practicum Certification by students currently enrolled in an accredited Interpreter Training Program.

(1) Intern/Practicum Certification (IPC) will be granted to a student applicant upon verification of registration in an interpreting practicum or internship course at an accredited Interpreter Training Program (ITP).

(2) The applicant's ITP director/coordinator is responsible for notifying the Board for Certification of Interpreters (BCI) regarding the effective start and end dates of the IPC.

(3) If the requirements of sections (1) and (2) above are met, a student applicant need only submit the appropriate application form and fee in order to obtain the IPC.

(4) A student with IPC must follow the established guidelines and requirements of their ITP during their interpreting practicum or internship course.

(5) Should a student with an IPC either withdraw from or be denied admission to their interpreter practicum or internship course for any reason, their ITP director/coordinator is responsible for immediately notifying the BCI so that the student's IPC may be revoked.

AUTHORITY: sections 209.295(8) and 209.297(2), RSMo 2000. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.090 Temporary Interpreting Permit Eligibility. This rule was for applicants who applied for a Temporary Interpreter Permit pending evaluation.

PURPOSE: This rule is being rescinded as temporary permits will no longer be issued by the Missouri Commission for the Deaf.

AUTHORITY: sections 209.295(8), 209.297(2) and 209.309, RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed April 17, 1998, effective Nov. 30, 1998. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.100 Conversion Procedure. This rule provided specific instruction to applicants regarding conversion procedures.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.292(9) and 209.295(3) and (4), RSMo 1994. Original rule filed April 17, 1998, effective Nov. 30, 1998. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.100 Certification Conversion Procedures

PURPOSE: This rule provides information regarding certification conversion procedures.

(1) Interpreters who have been certified by a certifying entity other than the Missouri Interpreter Certification System (MICS) may apply for conversion of their certification into an MICS certification.

(2) An applicant for certification conversion shall comply with all requirements of the rule established in 5 CSR 100-200.050 for application procedures.

(3) An application for certification conversion shall include:

- (A) A completed application form;
- (B) A copy of any current and unexpired certification from the previous certifying entity that indicates a level, category or ranking of interpreting skill;

(C) An authorization form signed by the applicant for release of information from the previous certifying entity; and

(D) The appropriate conversion fee.

(4) The authorization for release of information must include the name, address, and phone number of the previous certifying entity in order for the Board for Certification of Interpreters, if needed, to obtain:

- (A) Evaluation results;
- (B) Passing criteria;
- (C) Relevant statutes, codes, and policies concerning the applicable certification; and
- (D) Description of testing materials, including:
 - 1. Pass/fail, levels, single-level or dual-level certification;
 - 2. Minimum passing score or minimum passing scores for each level;
 - 3. Requirements for evaluators or composition of the evaluation team;
 - 4. Assessment of receptive and expressive skills in the areas of both interpreting and transliterating; and
 - 5. Scoring or rating method.

(5) Conversion into the appropriate certification level of the MICS shall be based on a comparison of the evaluation systems, and, if needed, specific information received from the previous certifying entity's evaluation system, as outlined in section (4) above, will be compared with the MICS. As a result of the comparison, an applicant for conversion may be granted a lower, similar, or higher certification in the MICS than from the previous certifying entity.

(6) An application for certification conversion may be denied because of either incompatibility of the evaluation systems or insufficient information from either the applicant or the previous certifying entity as outlined in sections (3) and (4) of this rule. If an application for conversion is denied, the applicant will be notified of the denial by letter, and will be required to take both the written test and the performance test in order to be certified in the MICS.

AUTHORITY: sections 209.292(9), 209.295(3) and 209.295(4), RSMo 2000. Original rule filed April 17, 1998, effective Nov. 30, 1998. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.110 Grandfather Clause. This rule was designed to honor other currently held national and state issued certificates held by a person living or employed in Missouri at the time the certification rules first became effective.

PURPOSE: This rule is being rescinded because it has expired.

AUTHORITY: section 209.292(9), RSMo 1994. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters
PROPOSED RESCISSION**

5 CSR 100-200.120 Certification Validation. This rule outlined the time period each permit/certification level was valid.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.287, 209.292 and 209.309, RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters
PROPOSED RULE**

5 CSR 100-200.125 Certification Renewal

PURPOSE: This rule outlines the procedures for filing for renewal of the following renewable certifications: Comprehensive, Advanced, Intermediate, and Restricted Certification in Education.

(1) All holders of renewable certifications shall renew their certifications annually by submitting the following items to the Board

for Certification of Interpreters on or before ninety (90) days prior to the licensing date established by the Missouri State Committee of Interpreters:

(A) Renewal form;

(B) A completed continuing education unit (CEU) form accompanied by supporting documentation as required by 5 CSR 100-200.130;

(C) Renewal fee; and

(D) CEU processing fee.

(2) This rule does not apply to the nonrenewable certifications of Novice and Apprentice, which expire after a fixed term and can be obtained again only through reapplication, retesting and reevaluation pursuant to 5 CSR 100-200.075.

(3) This rule does not apply to the nonrenewable Intern/Practicum Certification discussed in 5 CSR 100-200.090.

AUTHORITY: sections 209.295(1), (2) and (8), 209.309, and 209.311, RSMo 2000. Original rule filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.130 Permit/Certification Maintenance (PCM). This rule detailed the minimum requirements for permit/certification maintenance.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.292(10) and 209.295(6), RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed April 17, 1998, effective Nov. 30, 1998. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.130 Certification Maintenance

PURPOSE: This rule provides information regarding the minimum requirements for certification maintenance in the Missouri Interpreter Certification System.

(1) Annual participation in a continuing education program is required for interpreters certified in the Missouri Interpreter Certification System (MICS). This program involves study and performance options which must have prior approval from the Board for Certification of Interpreters (BCI) and which fulfill the requirements for certification maintenance in the MICS. This program may include seminars, lectures, conferences, workshops, extension study, correspondence courses, teaching, self-study and other options, all of which must be approved by the BCI and must be related to interpreting.

(A) Program options may provide for evaluation methods to assure satisfactory completion by participants.

(B) The BCI shall ensure that persons responsible for the delivery or content of program options are qualified in the subject matter by education, experience and expertise.

(C) Presentations or program options offering MICS continuing education units (CEUs) may be approved through any of the following methods:

1. Those offered by an accredited Interpreter Training Program (ITP) will be recognized by the BCI and automatically accepted as meeting the continuing education requirements for certification maintenance as an interpreter in Missouri;

2. The BCI may approve continuing education presentations and program options other than those offered by an ITP if they meet the following criteria prior to the event:

A. Application should be submitted not less than thirty (30) days prior to the event. Applications received less than thirty (30) days in advance cannot be guaranteed notification of approval.

B. Application to the BCI for approval shall be made on forms developed by the BCI. The application shall require detailed information relating to administration and organization, teaching staff, education content and development, methods of delivery, length of education activities, targeted skill level of interpreters, facilities and method of evaluation;

3. With adequate documentation to the BCI, any interpreter whose primary responsibility is not the education of interpreters who leads, instructs or lectures to groups of interpreters or others on topics related to interpreting in organized continuing education or in-service programs shall be granted MICS CEUs for the time expended during actual presentation. Approval must be requested using procedures outlined in paragraph (1)(C)2. above. MICS CEUs for the same presentation in the same town will be allowed only once during a year;

4. Any interpreter whose responsibility is the education of interpreters shall be granted MICS CEUs only for time expended in leading, instructing, or lecturing to groups of interpreters or others on topics related to interpreting in an organized continuing education or in-service program outside his/her formal responsibilities in a learning institution. Approval must be requested using procedures outlined in paragraph (1)(C)2. above. MICS CEUs for the same presentation in the same town will be allowed only once during a year; and

5. MICS CEUs will be given for undergraduate or graduate studies in any regionally accredited interpreting educational institution of higher learning. Satisfactory proof of course completion,

as required by the BCI, must be submitted in order for CEUs to be granted. The following hourly equivalents will be used by the BCI in issuing MICS CEUs:

- A. 3 college credit hours = 10 contact hours;
- B. 2 college credit hours = 6 contact hours; and
- C. 1 college credit hour = 3 contact hours.

(2) One (1) contact hour earns one-tenth (0.1) MICS CEU.

(3) An interpreter shall be required to earn one and two-tenths (1.2) CEUs annually for certification maintenance in the MICS. Contact hours earned in another state will be accepted by the BCI provided that the hours acquired can be documented.

(4) Providers will give evaluation forms to participants to be submitted with final reports.

(5) Proof of completion of continuing education requirements shall be provided by interpreters to the BCI by submitting annually a completed CEU form approved by the BCI, proper documentation, and the CEU processing fee, on or before ninety (90) days prior to the licensing deadline. Proper documentation shall include one (1) or more of the following:

(A) Certificate(s) of completion;

(B) Letter(s) from providers stating date of attendance and program; and

(C) Transcript(s) (if available).

(6) The BCI will review and verify all MICS CEUs claimed in the CEU forms submitted. After verification, the BCI will notify all applicants, as well as the State Committee of Interpreters, of the number of CEUs interpreters have earned for the year.

(A) Failure to submit a CEU form with verifiable MICS CEUs, proper documentation, and the CEU processing fee by the ninety (90) days CEU deadline will result in an interpreter's certification not being renewed, and the State Committee of Interpreters will be appropriately notified of the interpreter's failure to renew certification.

(B) If an interpreter's certification is not renewed because of failure to obtain adequate MICS CEUs, the interpreter may apply for reinstatement by submitting a completed CEU form, proper documentation, the CEU processing fee, and the reinstatement fee.

(7) The BCI may elect to audit any interpreter to assess the authenticity and validity of contact hours submitted.

(8) CEUs may be earned in any area or for any activity related to interpreting, with the prior approval of the BCI, including, but not limited to, the following:

(A) Culture:

- 1. Sociolinguistics;
- 2. Deaf culture;
- 3. American culture;
- 4. Multi-culture;
- 5. Cross-culture; and
- 6. Contextualization;

(B) Skills Development:

- 1. Receptive skill development;
- 2. Expressive skill development;
- 3. American Sign Language (ASL) skills (grammar, syntax, etc.);

- 4. English skills (grammar, syntax, etc.);
- 5. Deaf/Blind interpreting;
- 6. Oral interpreting;
- 7. Cued speech interpreting;
- 8. Minimal Language Skills (MLS) interpreting; and
- 9. Communication modes;

(C) Trends/Issues in the Interpreting Profession:

- 1. Current issues relating to the profession;

2. Theories of interpreting; and
3. Ethical Rules of Conduct;
- (D) Specialized Skills:
 1. Legal setting;
 2. Medical setting;
 3. Mental health setting;
 4. Educational setting;
 5. Performing arts setting;
 6. Rehabilitation setting;
 7. Governmental setting; and
 8. Technical setting;
- (E) Instruction:
 1. Independent study;
 2. Presenting a workshop; and
 3. College credit course work.

AUTHORITY: sections 209.292(10), and 209.295(1), (6) and (8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed April 17, 1998, effective Nov. 30, 1998. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.140 Name and Address Change. This rule outlined the procedure for notifying the commission of any changes in name or address.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: section 209.295(1) and (8), RSMo 1994. Original rule filed April 17, 1998, effective Nov. 30, 1998. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RULE

5 CSR 100-200.140 Name and Address Change

PURPOSE: This rule outlines the requirement for interpreters certified in the Missouri Interpreters Certification System to notify the Missouri Commission for the Deaf of any changes in name or address.

(1) Interpreters who hold a certification in the Missouri Interpreter Certification System shall always ensure that the Missouri Commission for the Deaf (MCD) has their current legal name and address on file.

(2) An interpreter whose name has legally changed shall inform the MCD of that name change in writing within thirty (30) days of the effective date of change, and provide a copy of the appropriate document verifying the name change.

(3) An interpreter whose address has changed shall inform the MCD of that address change in writing within thirty (30) days of the effective date of change.

AUTHORITY: section 209.295(1) and (8), RSMo 2000. Original rule filed April 17, 1998, effective Nov. 30, 1998. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.150 Fees. This rule outlined the fees necessary for the various certification requirements.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.292(7), 209.295(2), and 209.311, RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.150 Fees

PURPOSE: The following schedule outlines the fees required for the various certification processes and services.

(1) The following fees are established by the Missouri Commission for the Deaf:

(A) Application Fee	\$ 10.00
(B) Written Test Fee	\$ 25.00
(C) Performance Test Fee	\$125.00
(D) Reevaluation Fee	\$125.00
(E) Supplementary Evaluation Fee	\$100.00
(F) Conversion Fee	\$ 50.00
(G) Reinstatement Fee	\$ 50.00
(H) Late Fee	\$ 30.00
(I) CEU Processing Fee	\$ 10.00
(J) Duplicate Certificate Fee	\$ 5.00
(K) Renewal Fee	\$ 5.00
(L) Wall Certificate Fee	\$ 10.00
(M) Intern/Practicum Certification Fee	\$ 10.00
(N) Photocopies/Printouts Fee (per page)	\$ 0.25

(2) All fees for the various certification processes and services are nonrefundable.

(3) Payment of all fees must be made in the form of either a cashier's check or money order made payable to "MCD/BCI Fund." No personal checks or cash will be accepted.

(4) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the other fees provided for in this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 209.292(7), 209.295(2) and 209.311, RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The Missouri Commission for the Deaf estimates that the following private entities will be affected during 2002 by this proposed rule: four hundred seventy (470) interpreters currently certified in the Missouri Interpreter Certification System (MICS), one hundred thirty-five (135) interpreters seeking original certification in the MICS, and forty (40) students at Interpreter Training Programs seeking Intern/Practicum certification in the

MICS. The aggregate cost of this rule is estimated to be thirty-six thousand four hundred thirty-five dollars (\$36,435) in 2002. Actual costs for the life of the rule will vary depending on the number of persons in each affected classification, but it is anticipated that future costs will be lower as the number of interpreters in the state reaches an equilibrium point. A detailed fiscal note that estimates the cost of the proposed rule has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: (5) Department of Elementary and Secondary Education

Division: (100) Missouri Commission for the Deaf

Chapter: (200) Board for Certification of Interpreters

Type of Rulemaking: New Rule

Rule Number and Name: (150) Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class that would likely be affected by adoption of the proposed rule:	Classification by types of the business entities that would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
470	Interpreters seeking annual CEU maintenance	\$ 4,700
302	Interpreters seeking annual certification renewal	\$ 1,510
120	Interpreters seeking original certification	\$ 19,200
72	Interpreters seeking re-evaluation	\$ 9,000
10	Interpreters seeking certification conversion	\$ 500
5	Interpreters seeking supplementary evaluations	\$ 500
5	Interpreters seeking RCED certification	\$ 625
40	Students seeking Intern/Practicum certification	\$ 400
	Total Cost =	\$ 36,435

III. WORKSHEET

CEU fees paid = 470 interpreters X \$10 = \$4,700 per year.

Renewal fees paid = 302 interpreters X \$5 = \$1,510 per year.

Application fees paid = 120 interpreters X \$10 = \$1,200 per year.

Written test fees paid = 120 interpreters X \$25 = \$3,000 per year.

New performance test fees paid = 120 interpreters X \$125 = \$15,000 per year.

Re-evaluations fees paid = 72 interpreters X \$125 = \$9,000 per year.

Conversion fees paid = 10 interpreters X \$50 = \$500 per year.

Supplementary Evaluation fees paid per year = 5 interpreters X \$100 = \$500 per year.

RCED fees paid = 10 interpreters X \$125 = \$1,250 per year.

Intern/Practicum fees paid = 40 students X \$10 = \$400 per year.

IV. ASSUMPTIONS

The above costs are estimates for the first year under the proposed new rule. All calculations are based on projections of the number of persons in each of the affected classifications from 2001 data. Actual costs in future years will vary depending on the number of persons in each affected classification, but it is anticipated that future costs will be lower as the number of interpreters in the state reaches an equilibrium point.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.170 Requisite Skill Levels. This rule outlined the necessary minimum skill level of interpreters for various interpreting situations.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.292(5) and 209.295(5) and (8), RSMo 1994. Original rule filed Nov. 27, 1996, effective July 30, 1997. Amended: Filed April 17, 1998, effective Nov. 30, 1998. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.170 Skill Level Standards

PURPOSE: This rule provides standards concerning the certification levels appropriate for interpreters to practice in various interpreting settings.

(1) Interpreters should accept, refuse or withdraw from assignments based upon their experience, capability and certification level.

(2) Interpreters should prove their certification level upon request of any consumer by showing their certification documentation.

(3) These standards are developed to protect the health, welfare and safety of consumers. These standards are not intended to be all-inclusive regarding potential interpreting assignments. The standards show both consumers and interpreters the skill levels that are appropriate for interpreting in various settings. Should questionable areas of practice arise, contact the Missouri Commission for the Deaf.

(4) For the purpose of this rule, all MICS certifications obtained through performance evaluation are referred to as follows:

- | | |
|---------------------------------|-------|
| (A) Comprehensive Certification | = Com |
| (B) Advanced Certification | = Adv |
| (C) Intermediate Certification | = Int |
| (D) Apprentice Certification | = App |

- | | |
|---|--------|
| (E) Novice Certification | = Nov |
| (F) Restricted Certification in Education | = RCED |

(5) Effective July 1, 2003, the standards set forth in sections (6) through (13) are established for the use and guidance of interpreters in Missouri. Interpreters practicing interpreting in the settings specified below should hold one of the certifications listed as appropriate for interpreting in those settings

- | (6) Legal Setting | Appropriate Certifications |
|--|----------------------------|
| (A) Criminal (Felony) | Com |
| 1. Arraignment | |
| 2. Post bond | |
| 3. Pre-Trial release | |
| 4. Attorney conference | |
| 5. Judicial proceedings | |
| 6. Courtroom | |
| 7. Deposition | |
| 8. Testimony | |
| 9. Grand jury | |
| 10. Jury duty | |
| (B) Criminal (Misdemeanor) | Com/Adv |
| 1. Arraignment | |
| 2. Post bond | |
| 3. Pre-Trial release | |
| 4. Attorney conference | |
| 5. Judicial proceedings | |
| 6. Courtroom | |
| 7. Deposition | |
| 8. Testimony | |
| 9. Grand jury | |
| 10. Jury duty | |
| (C) Civil (Major) | Com/Adv |
| 1. Attorney conference | |
| 2. Civil court proceedings | |
| 3. Lawsuit | |
| 4. Contested divorce | |
| 5. Peace bond/restraining order | |
| 6. Contested wills and trusts | |
| 7. Bankruptcy | |
| (D) Civil (Minor) | Com/Adv |
| 1. Traffic court | |
| 2. Small claims court | |
| 3. Attorney conference | |
| 4. Civil court proceedings | |
| 5. Uncontested divorce | |
| 6. Wills and trusts | |
| (E) Juvenile Court and Family Court | Com |
| 1. Child abuse/welfare | |
| 2. Child adoption | |
| 3. Child custody | |
| 4. Termination of parental rights | |
| 5. Crimes by children under age 17 | |
| (F) Legal Consultation/Advice | Com/Adv |
| 1. Any consultation given by an attorney | |
| (G) Law Enforcement | Com |
| 1. Arrest and process | |
| 2. Post bond | |
| 3. Confession | |
| 4. Interrogation | |
| 5. Investigation | |
| 6. Witness interview | |
| 7. Crisis intervention | |
| (H) Law Enforcement Education Programs | Com/Adv/Int |
| 1. Any program that promotes safety, protection, and prevention by the federal, state, county, or local law enforcement agencies | |

- | | | | |
|---|--|---|--|
| (I) CorrectionalCom/Adv | | (A) AcademicCom/Adv/
Int/RCED | |
| 1. Probation/parole meeting | | 1. Elementary and secondary schools | |
| 2. Disciplinary hearing | | 2. Colleges, universities and professional schools | |
| 3. Parole hearing | | 3. Junior colleges and technical institutes | |
| 4. Inmate evaluation/assessment | | 4. Continuing education | |
| (J) Correctional Education/Rehabilitation
ProgramsCom/Adv/Int | | 5. Adult basic education | |
| 1. Any program for the education or rehabilitation of inmates
in a correctional system | | (B) Educational AssessmentCom/Adv/
Int/RCED | |
| | | 1. Psychological testing | |
| | | 2. Language testing | |
| | | 3. Developmental testing | |
| | | 4. Intelligence testing | |
| | | 5. Any types of educational diagnostics or evaluations | |
| | | (C) Educational ConferencesCom/Adv/
Int/RCED | |
| | | 1. Individualized education plan conference | |
| | | 2. Parent/teacher conference | |
| | | 3. Parent/school administrator conference | |
| | | (D) Professional DevelopmentCom/Adv/
Int/RCED | |
| | | 1. Conferences | |
| | | 2. Seminars | |
| | | 3. Workshops | |
| | | 4. Training | |
| | | (E) Community EducationCom/Adv/
Int/App/RCED | |
| | | 1. Any programs or activities offered by schools, colleges or
universities in the community that promote learning. | |
| | | (10) Employment Appropriate
Setting Certifications | |
| | | (A) Employment ActionsCom/Adv | |
| | | 1. Interview | |
| | | 2. Hiring/firing | |
| | | 3. Disciplinary | |
| | | (B) Employment MaintenanceCom/Adv/Int | |
| | | 1. Staff meetings | |
| | | 2. Employee/employer meetings | |
| | | 3. Safety workshops | |
| | | 4. Training/seminars/workshops | |
| | | 5. Performance appraisal | |
| | | 6. Union meeting | |
| | | (C) Vocational TrainingCom/Adv/
Int/App | |
| | | 1. Job training | |
| | | 2. Job coach | |
| | | 3. Vocational counseling | |
| | | 4. Vocational assessment | |
| | | 5. Any training/workshops promoting employment | |
| | | (11) Financial Appropriate
Setting Certifications | |
| | | (A) PurchasingCom/Adv/Int | |
| | | 1. Real estate | |
| | | 2. Insurance | |
| | | (B) Financial ManagementCom/Adv/Int | |
| | | 1. Credit counseling | |
| | | 2. Repossession | |
| | | 3. Major loans | |
| | | 4. Retirement | |
| | | 5. Tax preparation | |
| | | (12) Government Appropriate
Setting Certifications | |
| | | (Federal, State, City, County) | |
| | | (A) Administrative Proceedings/Hearings
(Non-Legal)Com/Adv | |
| | | 1. Filing complaint | |

2. Investigation
3. Testimony
4. Hearing
5. Appeal
6. Audit
- (B) Social ServicesCom/Adv
 1. Any Division of Youth Services activities
 2. Any Division of Family Services activities
- (C) Public MeetingCom/Adv/Int
 1. Agency/board/commission/council meeting
 2. Legislative assembly
 3. Individuals meeting with public official
- (D) Benefits/ServicesCom/Adv/
Int/App
 1. Food stamps
 2. Drivers' license testing
 3. Voter registration
 4. Welfare
 5. Social Security
 6. Unemployment benefits
 7. Medicare/medicaid
 8. Any type of governmental benefits or services
- (E) Recreational/education programsCom/Adv/
Int/App/Nov
 1. Federal and state parks
 2. Missouri history
 3. Conservation
 4. National resources
 5. Energy saver
 6. Environment
 7. Natural disaster awareness
 8. Public awareness
 9. Recreational activities
 10. Any programs or activities offered by public entities that increase the public's awareness in government, safety, health, economic, appreciation, protection, etc.
- (13) **Entertainment** **Appropriate**
Setting **Certifications**
 - (A) Performing Arts (Unrehearsed)Com/Adv/
Int/App
 1. Theaters
 2. Concerts
 3. Comedy shows
 4. Magic shows
 5. Any type of stage performances
 - (B) Performing Arts (Rehearsed)
Com/Adv/
Int/App/Nov
 1. Theaters
 2. Concerts
 3. Comedy shows
 4. Magic shows
 5. Any type of stage performances
 - (C) Social Activities
Com/Adv/Int/
App/Nov
 1. Festivals
 2. Fairs
 3. Sport leagues
 4. Sight-seeing tours
 5. Rodeos
 6. Circus
 7. Recitals
 8. Carnivals
 9. Amusement parks
 10. Camps
 11. Any type of activities for entertainment purposes only

AUTHORITY: sections 209.292(5), and 209.292(8), RSMo 2000. Original rule filed Nov. 27, 1996, effective July 30, 1997. Amended: Filed April 17, 1998, effective Nov. 30, 1998. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.175 Mentorship. This rule outlined how an interpreter might participate in an area above their skill level on the basis of a mentor/mentee relationship.

PURPOSE: This rule is being rescinded because it has no direct relationship to certification of interpreters.

AUTHORITY: sections 209.292(5) and 209.295(5) and (8), RSMo 1994. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.180 Grievance Procedure. This rule outlined the grievance procedure for complaints against the evaluation process or decisions made by the Board for Certification of Interpreters.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: section 209.295(8), RSMo 1994. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.180 Grievance Procedure and Appeal Rights

PURPOSE: This rule outlines the grievance procedure and appeal rights for formal complaints against the Missouri certification process.

(1) Applicants for certification may file a grievance against the Missouri certification process by filing a complaint in writing with the Board for Certification of Interpreters (BCI) at the office of the Missouri Commission for the Deaf (MCD) within thirty (30) days after the coordinator of the Missouri Interpreter Certification System (MICS) mails notice to the applicant of the applicant's certification evaluation results or of the denial of a certification to the applicant.

(A) All complaints must contain a detailed explanation of the reason(s) for the complaint, the full name, address, and telephone number of the person making the complaint, a statement of what action the complainant is requesting to be taken by the BCI and/or the MCD, and the written signature of the person making the complaint.

(B) Complaints may be filed by mail, by facsimile transmission followed by hard copy within ten (10) days of the transmission, or by other delivery to the MCD office.

(C) All complaints will be acknowledged in writing by the MICS coordinator within ten (10) days after being received.

(2) All complaints shall first be reviewed and evaluated by the BCI.

(A) At the direction of the BCI, or on his/her own initiative, the MICS coordinator shall contact the complainant and request any further information that is deemed necessary by either the coordinator or the BCI. The MICS coordinator or the BCI may also conduct an independent investigation of the issues raised in the complaint.

(B) The BCI shall evaluate the complaint and make a determination based on the facts of the situation.

(C) The person filing the complaint shall be notified in writing of the BCI's determination.

(D) Such notification shall inform the person filing the complaint of their right to appeal that decision to the MCD.

(3) Within thirty (30) days after the BCI mails notice of its determination to the person filing the complaint, the complainant may

appeal the BCI's decision by filing a written request for review with the MCD.

(A) Any such appeal must contain a detailed explanation of the reason(s) for the appeal, the full name, address, and telephone number of the person making the appeal, a statement of what action the complainant is requesting to be taken by the MCD, and the written signature of the person making the appeal.

(B) Any such appeal may be filed by mail, by facsimile transmission followed by hard copy within ten (10) days of the transmission, or by other delivery to the MCD office.

(4) The MCD shall hold a hearing pursuant to the administrative procedures set forth in Chapter 536, RSMo, as such are adopted by section 621.135, RSMo.

(A) After a hearing, the MCD shall evaluate the appeal and make a determination based on the facts of the situation.

(B) The person filing the appeal shall be notified in writing of the MCD's determination.

(5) The complainant may file an appeal of the MCD's decision pursuant to section 536.100, RSMo, as such is adopted by section 621.135, RSMo. The MCD's notification to the complainant of its decision shall inform the complainant of his/her right to appeal that decision pursuant to section 536.100, RSMo.

(6) Information regarding formal complaints and appeals will be kept confidential by all members of the BCI, MCD, and staff of the MCD, insofar as confidentiality is required and allowed by law.

AUTHORITY: sections 209.292(13), 209.295(8), 209.314 and 209.317, RSMo 2000. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.200 Enforcement. This rule established a grace period for compliance.

PURPOSE: This rule is being rescinded because the Missouri Commission for the Deaf has no statutory authority for enforcement of interpreting standards.

AUTHORITY: section 209.295(8), RSMo 1994. Original rule filed June 29, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.210 Reinstatement. This rule established requirements for reinstatement of a permit or certification.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: section 209.295(8), RSMo 1994. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded: Filed July 26, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.210 Reinstatement

PURPOSE: This rule establishes requirements for reinstatement in the Missouri Interpreter Certification System of certifications that have been suspended, revoked, or lapsed for failure to renew.

(1) The holder of a certification issued pursuant to sections 209.285 through 209.318, RSMo, whose certification has been either suspended or revoked, or which has lapsed for failure to renew because of noncompliance with the certification maintenance requirements detailed in 5 CSR 100-200.130, may apply for reinstatement of his/her certification.

(2) All applicants for reinstatement must complete the necessary application form and pay the required fee(s) in order to be considered for reinstatement.

(3) The Board for Certification of Interpreters (BCI) will automatically reinstate the certification of any interpreter whose certification was not renewed for failure to comply with certification maintenance requirements upon evidence to the BCI of the following:

(A) Completion of one and two-tenths (1.2) Missouri Interpreter Certification System continuing education units for every applicable year as set forth in 5 CSR 100-200.130; and

(B) Payment of all required fees and penalties, which have not been paid previously, for any periods during which the applicant practiced interpreting in Missouri while the applicant's certificate was suspended, revoked or not renewed.

(4) Upon application, the certification of a person whose certification has been suspended shall be reinstated in full upon expiration of the suspension period and payment of the reinstatement fee.

(5) A person whose certification has been revoked must wait no less than one (1) year from the date of revocation before they can apply for reinstatement.

(6) In all instances where a certification has been revoked, the BCI will evaluate the application for reinstatement and decide according to the facts of the situation.

(7) Any applicant for reinstatement will be notified in writing of the reinstatement decision.

AUTHORITY: section 209.295(2) and (8), RSMo 2000. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded and readopted: Filed July 26, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.030 Hearings. The director proposes to amend sections (1), (6) and (9).

PURPOSE: This amendment reflects procedure changes in hearing requests and subpoenaing witnesses.

(1) Individuals shall make a written request for a review of the director's determination. **At the time of such request the individual must indicate whether the request is for an in-person hearing. If an in-person hearing is not requested the individual will be scheduled for a telephone hearing and will waive any further opportunity for in-person hearing.** The request must actually be filed with the department on or before the effective date of the suspension or revocation. The effective date shall be fifteen (15) days after the date of issuance of the notice of suspension if the notice is hand delivered or eighteen (18) days from the date of mailing if

the notice of suspension is mailed from the department. If any request for a hearing is delivered by United States mail postage prepaid after the effective date of suspension or revocation, the date of the United States postmark stamped on the envelope shall be deemed to be the date of filing. The request shall be sent to: Missouri Department of Revenue, *[Drivers License Bureau]* **Driver and Vehicle Services Bureau**, P[.]O[.] Box 3700, Jefferson City, MO 65105-3700. If the effective date falls on a Saturday, Sunday or legal holiday in this state, the request for hearing shall be considered timely if it is filed on the next succeeding day which is not a Saturday, Sunday or a legal holiday as specified in 12 CSR 10-24.340.

(6) *[Hearings will be scheduled and conducted by telephone unless a request for an in-person hearing is made. Any request for an in-person hearing must be postmarked to the Department of Revenue no later than seven (7) days, not including weekends or holidays, from the date notice of telephonic hearing is mailed. If the hearing is in person, it shall be held in the county in which the arrest occurred.]* **Based upon the type of hearing requested by the individual in the written request for review the director will schedule a hearing.** The party arrested/stopped may be represented by an attorney during any telephonic or in-person hearing. Notice of the hearing, place, date and time shall be sent to the party arrested/stopped and to the attorney of record, if known, at the time of notice. Suspension or revocation shall be stayed until a final order is issued following the hearing. The hearing will be conducted by department examiners who are licensed to practice law in Missouri.

(9) At the hearing the party may present any facts which show the party was not driving a motor vehicle while the alcohol concentration in the person's blood exceeded the limits provided in section 302.505, RSMo. A party may subpoena witnesses **in accordance with the procedures of section 536.077, RSMo. A party may subpoena witnesses**, including the law enforcement officer or blood alcohol concentration analyzer to attend the hearing or participate in a telephonic hearing, by requesting a subpoena from the Department of Revenue *[prior to the hearing.]* **at least five (5) working days prior to the hearing. If a witness fails to appear or participate in the hearing, after proper service of the subpoena, the Department of Revenue will continue the hearing to enforce the subpoena including enforcement action as provided in section 536.077, RSMo. In the case of death or total incapacitation of the witness, where enforcement action is not feasible, the department may consider written testimony of the witness prepared at or near the time of the incident in lieu of the actual appearance of such witness and the party may make any objection or argument to such written testimony of the witness.**

AUTHORITY: section 302.530, RSMo *[Supp. 1997]* **2000.** Original rule filed Feb. 3, 1984, effective May 11, 1984. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 25, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments

*must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions

PROPOSED RULE

12 CSR 10-110.600 Electrical Energy

PURPOSE: Section 144.030.2(12), RSMo exempts from tax certain purchases of electrical energy used in primary or secondary manufacturing, processing, compounding, mining or producing a product, or used in material recovery processing. This rule explains when this exemption applies and how a taxpayer may claim the exemption at the time of purchase of the electrical energy.

(1) In general, electrical energy used in facilities owned or leased by the taxpayer in the actual primary manufacturing, processing, compounding, mining or producing of a product is exempt from tax if the cost of the electrical energy used exceeds ten percent (10%) of the total cost of the primary manufacturing, processing, compounding, mining or producing, exclusive of the cost of electrical energy so used. Electrical energy used in facilities owned or leased by the taxpayer in the actual secondary manufacturing, processing, compounding, mining or producing of a product is exempt from tax if the cost of the electrical energy used exceeds ten percent (10%) of the total cost of the secondary manufacturing, processing, compounding, mining or producing, exclusive of the cost of electrical energy so used. Electrical energy used in a material recovery processing plant owned or leased by the taxpayer is exempt from tax if the total cost of electric energy used in such processing exceeds ten percent (10%) of the total cost of the processing, exclusive of the cost of electrical energy so used. Electrical energy used in facilities owned or leased by the taxpayer in manufacturing, processing, compounding, mining or producing a product or in a material recovery processing plant is exempt if the raw materials used in such processing contain at least twenty-five percent (25%) recovered materials.

(2) Definition of Terms.

(A) Compounding—Producing a product by combining two (2) or more ingredients or parts.

(B) Fabrication—See 12 CSR 10-111.010(2)(C).

(C) Manufacturing—See 12 CSR 10-111.010(2)(E).

(D) Material recovery processing plant—A facility that converts recovered materials into a new product or into a different form that is used in producing a new product. It includes facilities or equipment used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but does not include motor vehicles used on highways.

(E) Mining—See 12 CSR 10-111.010(2)(F).

(F) Primary—Manufacturing, processing, compounding, mining or producing that results in the first marketable product.

(G) Processing—Any mode of treatment, act or series of acts performed upon materials to transform and reduce them into an article with a use, identity and market value different from the use, identity and market value of the materials, and includes treatment necessary to maintain or preserve such processing by the producer at the production facility.

(H) Producing—See 12 CSR 10-111.010(2)(H).

(I) Product—An item with a new identity, use and market value produced by the taxpayer's efforts which is intended at the time of the production activity to be sold ultimately for final use or consumption. A product may be tangible personal property or a

service, if the property or service is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.

(J) Production activity—Manufacturing, processing, compounding, mining, producing or fabricating.

(K) Recovered materials—Materials that have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation and processing.

(L) Secondary—Further processing or fabricating of a marketable product that results in another marketable product.

(M) Total cost—All allocated costs incurred in producing the product, including all elements of production cost in accordance with generally accepted accounting principles.

(3) Basic Application of Exemption.

(A) A taxpayer may claim this exemption at the time of purchase of the electrical energy by presenting the seller with a direct pay certificate issued by the department. In order to obtain a direct pay certificate, the taxpayer must submit annually an electrical energy direct pay authorization application. The application must demonstrate, by the use of the previous calendar year's data, a probable entitlement to the electrical energy exemption for the coming year. The taxpayer must file and remit the appropriate tax on energy purchases that do not qualify for this exemption on its sales tax return.

(B) Every transformation of materials does not constitute a separate production activity. In order to be a separate production activity, the activity must create a new marketable product. If a taxpayer produces only one (1) marketable product, there can only be primary production activity. All production costs must be included in calculating the total cost of production. Secondary production activity can only exist when an already marketable product produced by the taxpayer undergoes subsequent production activity that produces a second marketable product. When there is secondary production activity, the production costs attributable to the primary production activity are not included in the total cost of production of the secondary production activity.

(4) Examples.

(A) A manufacturing firm produces extruded sheet plastic. The automated production line is a closed system connected together by use of vacuum feed-pipe. When an order is received, the computer controlled production line first blends the necessary raw materials. After blending, the mix is conveyed through vacuum pipe to be dried, and then to the extruder, where the mix is heated to melt-down and rolled into sheets by the extruder rollers. These sheets are the end product. The cost of raw materials is 95% of the total cost of producing the end product. The cost of electrical energy is 99% of the cost of drying and extruding the blended raw materials. The plastic sheet is the only marketable product produced by this continuous, indivisible operation. None of the electrical energy is exempt because it does not exceed 10% of the total cost of producing the end product.

(B) A manufacturer produces glass bottles to be used as packaging. The manufacturer combines raw materials, including recycled glass, which is then melted under extreme heat. The molten glass is then formed into bottles, which are the manufacturer's only product. The electrical energy costs exceed 10% of the total cost of production; therefore the manufacturer qualifies for the exemption. If the manufacturer's raw materials include at least 25% recycled material, the manufacturer may avoid the time and cost involved in the calculations necessary to support the exemption under the 10% threshold and claim the exemption based on its use of recycled materials.

(C) A business contracts with manufacturers of frozen food products to receive fresh or partially frozen food products, reduce the temperature to zero degrees or below, and release the fully

frozen food product back to the manufacturer for distribution. The frozen food products that the business produces have a new and different identity from the fresh or partially frozen products that it receives. Frozen foods have a longer shelf life and a broader distribution system than refrigerated foods. The business qualifies for the exemption if the electricity used in the freezing process exceeds 10% of the cost of producing the fully frozen food products from the fresh or partially frozen food products. The business does not have to include the cost of its customer's production of the fresh or partially frozen products because the fresh or partially frozen food is a separate marketable product from the frozen food.

(D) A frozen food manufacturer uses \$100,000 of electricity in manufacturing its products. The manufacturer also uses \$150,000 of electricity in its on-premises, refrigerated warehouse to maintain its products at the necessary temperature prior to shipping. Total cost of producing the products, excluding electricity, is \$2,000,000. The combined electricity cost of \$250,000 exceeds 10% of the \$2,000,000 cost of production. The manufacturer qualifies for the exemption because processing includes any treatment by the producer at the production facility that is necessary to maintain the product.

(E) A paper manufacturer uses recycled paper to produce rolls of newsprint. The newsprint includes more than 25% recovered paper and qualifies for the electrical energy exemption. The newsprint is subsequently cut into sheets for sale to a book printer. The cost of electricity to cut the sheets does not exceed 10% of the total cost of producing the cut sheets. The electrical energy used to produce the final product is exempt because the manufacturer uses at least 25% recovered materials.

AUTHORITY: section 144.270, RSMo 2000. Original rule filed July 25, 2001.

PUBLIC COST: This proposed rule will not cost the state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 110—Sales/Use Tax—Exemptions

PROPOSED RULE

12 CSR 10-110.955 Sales and Purchases—Exempt Organizations

PURPOSE: Sections 144.030.1, 144.030.2(6), 144.030.2(17), 144.030.2(19), 144.030.2(20), 144.030.2(21), 144.030.2(22), 144.030.2(27), 144.030.2(36) and 144.062, RSMo exempt certain types of organizations from tax on certain transactions. This rule clarifies which transactions are exempt for each type of organization.

(1) In general, some organizations are exempt from tax on all or certain sales and purchases, while other organizations are only exempt on all or certain purchases. An exemption from federal income tax does not necessarily exempt an organization from state sales or use tax.

(2) Definition of Terms.

(A) Exempt organization—one (1) of the following types of organizations:

1. United States government or agency;
2. Political subdivisions of the state of Missouri;
3. Rural water districts;
4. Religious organizations and institutions;
5. Charitable organizations and institutions;
6. Public elementary and secondary schools;
7. Not-for-profit civic, social, service or fraternal organizations;
8. Eleemosynary, penal institutions and industries of the state of Missouri;
9. Public and private not-for-profit post-secondary educational institutions;
10. State of Missouri relief agencies;
11. Benevolent, scientific and educational agricultural associations;
12. Nonprofit summer theater organizations;
13. Missouri state fair and county agricultural and mechanical societies;
14. Private not-for-profit elementary and secondary schools;
15. Interstate compact agencies.

(B) Charitable—to benefit the common good and welfare of the people of a community while relieving government of a financial burden that it would otherwise be required to meet.

(C) Civic—concerned with and related to the citizenry at large and benefiting the community it serves on an unrestricted basis.

(D) Direct sales—sales of tangible personal property or taxable services to an organization for use in its exempt functions and activities or sales by an organization where the net proceeds from such sales are for its charitable purpose.

(E) Direct costs—costs directly incurred in making direct sales. Direct costs do not include indirect costs such as overhead costs.

(F) Educational—to provide with knowledge or training.

(G) Net proceeds—the proceeds remaining from direct sales after deducting direct costs.

(H) Exemption letter—a document issued by the Department of Revenue recognizing an organization's exemption from sales or purchases or both.

(3) Basic Application of Rule.

(A) All sales of tangible personal property or taxable services to the United States government or its agencies and all sales of tangible personal property used exclusively in the manufacturing, processing, modification or assembling of products that are sold to the United States government or its agencies are exempt from tax. See 12 CSR 10-112.300.

(B) All sales of tangible personal property or taxable services to the state of Missouri or its political subdivisions are exempt from tax. Sales by the state of Missouri and its political subdivisions, other than school districts, are subject to tax, unless otherwise exempt. Amounts paid in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a political subdivision are exempt from tax, if all the proceeds benefit the political subdivision. Sales to other states and their political subdivisions are not exempt from tax.

(C) All sales of tangible personal property to Missouri rural water districts are exempt from tax. Sales by such organizations are subject to tax, unless otherwise exempt.

(D) All sales made to or by any religious and charitable organizations and institutions in their religious, charitable or educational functions and activities are exempt from tax. All sales by the same type of organizations and institutions of other states are exempt from tax providing such organizations and institutions are exempt from a similar tax in their own states.

(E) All direct sales made to or by Missouri not-for-profit civic, social, service or fraternal organizations, including qualified fraternal organizations exempt under *Internal Revenue Code* Section 501(c)(8) and (10), solely in their civic or charitable functions and activities are exempt from tax providing the net proceeds are designated for civic or charitable functions and activities. Sales to or by not-for-profit civic, social, service or fraternal organizations of other states are exempt from tax if such organizations are exempt from a similar tax in their own states and otherwise qualify for the exemption in Missouri.

(F) All sales made to or by public elementary and secondary schools in their educational functions and activities are exempt from tax. School districts are also exempt from all sales by or to the district. All sales to or by public elementary and secondary schools of other states are exempt from tax providing such public elementary and secondary schools are exempt from a similar tax in their own states.

(G) All sales to eleemosynary, penal institutions and industries of the state of Missouri are exempt from tax. Sales by such organizations are subject to tax, unless otherwise exempt.

(H) All sales to public and private not-for-profit post-secondary education institutions are exempt from tax. Sales by such organizations are subject to tax, unless otherwise exempt. Sales made to or by public and private not-for-profit post-secondary education institutions of other states are exempt from tax if such organizations are exempt from a similar tax in their own states.

(I) All sales to state of Missouri relief agencies are exempt from tax. Sales by such organizations are subject to tax, unless otherwise exempt.

(J) All ticket sales by benevolent, scientific and educational agricultural associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals are exempt from tax. All ticket sales by the same type of associations of other states are exempt from tax providing such associations are exempt from a similar tax in their own states.

(K) All ticket sales by nonprofit summer theater organizations exempt from federal income tax under the provisions of the *Internal Revenue Code* are exempt from tax. All ticket sales by the same type of organizations of other states are exempt from tax providing such organizations are exempt from a similar tax in their own states.

(L) All admission charges and entry fees to the Missouri state fair and any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo are exempt from tax.

(M) All sales to private not-for-profit elementary and secondary schools are exempt from tax. All sales to private not-for-profit elementary and secondary schools of other states are exempt from tax if such organizations are exempt from a similar tax in their own states.

(N) All sales to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo ("Bi-State Development Agency") and sections 238.010 to 238.100, RSMo ("Kansas City Area Transportation Authority") in the exercise of the functions and activities of such agencies as provided by compact are exempt from tax.

(O) All sales of tangible personal property and materials, for the purpose of constructing, repairing or remodeling facilities that are related to the organization's exempt functions and activities, to a contractor or other entity purchasing for an exempt organization pursuant to the requirements of section 144.062, RSMo are exempt from tax. To be exempt, the qualified organization must obtain an authorized exemption certificate from the director of revenue and provide a copy of it to all contractors, subcontractors or other entities to provide a copy to sellers when purchasing tangible personal property or materials for such facilities.

(4) Examples.

(A) A nonprofit, fraternal benefit organization supports several local youth activities. An Exemption Letter for the organization was obtained from the Department of Revenue. The organization operates a lounge that is open to the public. A substantial amount of its revenue is derived from beverage sales in its lounge. All revenue from the lounge is deposited into the organization's general account and is not separately accounted for. All operational expenses, as well as costs of the local youth activities, are paid from the general account. Although the organization has an Exemption Letter, all beverage sales are subject to tax as the net proceeds from beverage sales are not separately accounted for and used solely for the organization's civic activity of supporting local youth activities.

(B) A nonprofit fraternal benefit organization will hold a chili feed to buy public park playground equipment. All net proceeds of the direct sales of chili will go to the purchase of the playground equipment. The organization may purchase the chili ingredients and serving equipment exempt from tax and should not charge a sales tax on the chili sales.

(C) A nonprofit charitable organization operates a gift shop located within a nonprofit hospital. The hospital serves both paying and indigent patients. All profits remaining after paying for expenses of the gift shop go to benefit the hospital. Customers of the gift shop are primarily the hospital's patients and visitors and not the general public. All sales to and by the organization are exempt from tax because its sales are limited to hospital patients and visitors and all profits are for the charitable purpose of the hospital, to provide medical care for all who may seek its services.

(D) A Missouri contractor purchases materials and supplies in Missouri to perform a construction contract in a neighboring state for a public secondary school. The purchases are exempt providing the public secondary school in the other state is exempt from a similar tax in its own state.

(E) A Missouri contractor purchases materials and supplies in Missouri to perform a construction contract for a Missouri school district. Prior to making its purchases, the contractor obtains an authorized exemption certificate from the district. The contractor's purchases are exempt from tax because it obtained a copy of the authorized exemption certificate prior to making its purchases.

(F) A Missouri charitable organization is authorized and operates a Missouri fee office for the Department of Revenue. The profits of the organization are used to purchase clothing and books for indigent families. Purchases of equipment and supplies for operating its fee office are not exempt from tax as these purchases are not for its charitable purpose. Purchases of clothing and books for indigent families are exempt from tax as these purchases are for its charitable purpose.

AUTHORITY: section 144.270, RSMo 2000. Original rule filed July 31, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 10—Fees
PROPOSED RULE

13 CSR 30-10.010 Annual Fee

PURPOSE: The purpose of this rule is to define how the Division of Child Support Enforcement will collect an annual processing fee against persons on a non-IV-D case who receive support payments that are processed by the Family Support Payment Center.

(1) Definitions. For the purposes of this rule, the following definitions are applicable:

(A) Division means the Division of Child Support Enforcement;

(B) Payment Center means Family Support Payment Center;

(C) TANF means Temporary Assistance for Needy Families;

(D) Case means a family, as used in section 454.425, RSMo 2000, associated with a particular support order(s). A case includes a collection of people, generally, a custodian, and dependent(s) associated with a specific noncustodial parent;

(E) IV-D means part IV-D of the Social Security Act;

(F) Support means any financial support, which is due for the support or maintenance of a child or the custodian of a child or a spouse or ex-spouse based upon a judicial or administrative order;

(G) Non-IV-D case is a case as defined above which is not currently receiving TANF, Medicaid, foster care or child support services pursuant to section 454.400(14), RSMo 2000.

(2) Annual Fees. The division will collect an annual processing fee of ten dollars (\$10) on each order associated with a non-IV-D case in which payments are being received by and processed through the Payment Center for all or any part of a calendar year. If an order is associated to more than one (1) case, all cases must be non-IV-D cases.

(A) The person obligated to pay support will receive credit against such person's support obligation for the entire payment received by the Payment Center. The fee will be collected from the person entitled to receive support.

(B) Prior to disbursement to the person entitled to receive support, the fee will be collected from the first support payment processed by the Payment Center for each calendar year. If the first support payment processed by the Payment Center does not satisfy the annual fee, the balance remains due and will be collected from subsequent support payments received for that year until the entire fee is satisfied. If the fee is not satisfied by the end of a calendar year, the fee for that year will not accrue into the next calendar year.

(C) An annual fee will be charged in a former TANF or Medicaid case if all arrearages owed to the state have been paid and child support services pursuant to section 454.400(14), RSMo 2000, are not currently being provided.

AUTHORITY: section 454.400.2(5), RSMo 2000. Original rule filed July 17, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions thirty-five thousand dollars (\$35,000) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one hundred forty-one thousand dollars (\$141,000) per year.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Child Support Enforcement, Gary Bailey, Director, Division of Child Support Enforcement, 3418 Knipp Drive, Suite F, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 13 Department of Social Services

Division: 30 – Child Support Enforcement

Chapter: 10-010 Annual Fee

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 30-10.010 Annual Fee

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate		
	Fiscal Year 2002	Fiscal Year 2003	Fiscal Year 2004
Division of Child Support Enforcement			
Total fees collected	\$141,000	\$141,000	\$141,000
Required changes to Missouri Automated Child Support System to meet business needs	(\$35,000)	N/A	N/A
IV-D program revenue generated	\$106,000	\$141,000	\$141,000

III. WORKSHEET

Annual Fees

Projected Eligible Orders Per Year	Fees Collected Annually	Fiscal Year 2002 (Six Months)	Fiscal Year 2003 (Full Year)	Fiscal Year 2004 (Full Year)
14,100	\$141,000	\$141,000	\$141,000	\$141,000

IV. ASSUMPTIONS

1. Annual fees are collected at the order level.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 13 Department of Social Services

Division: 30 – Child Support Enforcement

Chapter: 10-010 Annual Fee

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 30-10.010 Annual Fee

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the compliance with the rule by the affected entities
14,100	Custodial Parents	\$141,000

III. WORKSHEET

Annual Fees

Projected Eligible Orders Per Year	Fees Collected Annually
14,100	\$141,000

IV. ASSUMPTIONS

1. Annual fees are collected at the order level.
2. Estimate in the aggregate is presented as the annual total for all custodial parents affected. The life of the rule is without end.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 10—Reporting of Motor Vehicle Stops by Law
Enforcement Agencies

PROPOSED RESCISSION

15 CSR 60-10.020 Report to Attorney General by Law Enforcement Agencies. Section 590.650, RSMo, required law enforcement agencies to compile and report certain information to the Attorney General. This rule provided instructions regarding the information to be reported pursuant to section 590.650, RSMo.

PURPOSE: This rule is being rescinded because various text changes were numerous and the Office of the Attorney General believes that it is more efficient to rescind the rule than to amend it. A new rule to replace this rescinded rule is being filed simultaneously.

AUTHORITY: section 590.650, RSMo 2000. Emergency rule filed Aug. 21, 2000, effective Aug. 31, 2000, expired Feb. 23, 2001. Original rule filed Aug. 21, 2000, effective March 30, 2001. Rescinded: Filed July 31, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Office of the Attorney General, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 10—Reporting of Motor Vehicle Stops by Law
Enforcement Agencies

PROPOSED RULE

15 CSR 60-10.020 Report to Attorney General by Law Enforcement Agencies

PURPOSE: Section 590.650, RSMo, requires law enforcement agencies to compile and report certain information to the Attorney General. This rule provides instructions regarding the information to be reported pursuant to section 590.650, RSMo.

(1) On or before March 1 of each year, law enforcement agencies shall compile the information collected pursuant to section 590.650.2, RSMo, and enumerated in this rule, and such other information as the Attorney General may require, into a report to the Attorney General. The information contained in the report shall be for the preceding calendar year.

(2) The first reporting period during which law enforcement agencies are required to compile and report the information required by section 590.650.2, RSMo, and enumerated in this rule, and such other information as the Attorney General may require, shall begin on August 28, 2000, and end on December 31, 2000.

(3) Beginning on January 1, 2001, and thereafter, the reporting period during which law enforcement agencies are required to

compile and report the information required by section 590.650.2, RSMo, and enumerated in this rule, and such other information as the Attorney General may require, shall begin on January 1 and end on December 31 of each year.

(4) Each law enforcement agency shall compile the following information in the manner described in section (5) of this rule for submission to the Attorney General. The information shall pertain to the total number of times peace officers employed by the law enforcement agency stopped drivers of motor vehicles for violations of any motor vehicle statutes or ordinances, and shall include:

(A) The age, gender and race or minority group of each individual stopped.

1. For the total number of stops made during the reporting period, indicate the races or minority groups of the drivers using one (1) of the following categories: White; Black/African-American; Hispanic/Latino; American Indian/Alaska Native; Asian; or Other/Unknown. For the purposes of reporting this information, the races or minority groups of the drivers shall be based upon the peace officers' visual observations.

2. For the total number of stops made during the reporting period, indicate the number of male drivers stopped and female drivers stopped.

3. For the total number of stops made during the reporting period, indicate the ages of the drivers stopped;

(B) The total number of traffic violations alleged to have been committed that led to the stops.

1. For the total number of stops made during the reporting period, indicate the number of stops resulting from moving violations, equipment violations or license violations. A stop may include more than one (1) alleged violation.

2. For moving violations, indicate the nature of the violation: speed; lane violation; following too close; commercial vehicle enforcement (CVE); fail to signal; or other;

(C) The total number of searches conducted as a result of the stops.

1. For the total number of stops made during the reporting period, indicate the number of searches made, including the number of property searches, the number of driver searches, and the number of searches of both drivers and their property;

(D) The total number of searches conducted, including the number of consent searches, the probable cause for the searches and the durations of all searches.

1. For the total number of searches made during the reporting period, indicate whether the probable cause or authority for the searches included the following: consent; odor of illegal drugs or alcohol; plain view contraband; inventory search; incident to arrest; reasonable suspicion (weapon); or other. For any search, one (1) or more of these categories may apply.

2. For the total number of searches made during the reporting period, indicate the durations of the searches. The duration of search means the time needed to conduct any and all searches;

(E) The number of searches during which contraband was discovered, and the types of any contraband discovered during the searches;

1. For the total number of searches made during the reporting period, indicate the number of times contraband was discovered and, when contraband was discovered, indicate the types of contraband discovered using the following categories: illegal drugs or paraphernalia; currency; stolen property; weapon; or other;

(F) The total number of warnings and citations resulting from the stops.

1. For the total number of stops made during the reporting period, indicate the number of stops resulting in the following: warnings and citations;

(G) The total number of warnings and citations issued.

1. For the total number of stops made during the reporting period, indicate the violations charged or warnings given;

(H) The number of arrests made and the crimes alleged.

1. For the total number of arrests resulting from either the stops or any searches conducted as a result of the stops during the reporting period, indicate the types of crimes alleged using the following categories: outstanding warrant; drug violation; resisting arrest; offense against person; property offense; driving while intoxicated/blood alcohol content; or other. An arrest may include more than one (1) alleged crime;

(I) The locations of the stops.

1. For the total number of stops made during the reporting period, indicate the number of stops made at the following locations: interstate highway; U.S. highway; state highway; county road; city street; or other. For purposes of reporting this information, "location" means the location where the officer observed the alleged violation and signaled the driver to stop, not the location where the driver physically stopped the vehicle;

(J) Total number of vehicle stops made by that agency.

1. This number represents the total number of vehicles stopped by officers in the particular law enforcement agency for alleged motor vehicle violations, whether moving violations, equipment violations, or license violations. This total does not include motor vehicle stops made for reasons other than alleged motor vehicle violations; and

(K) The law enforcement agency jurisdiction in which each driver of a stopped vehicle resides.

1. For the total number of stops made during the reporting period, indicate whether the driver stopped is a resident of the law enforcement agency's jurisdiction.

(5) The information described in section (4) of this rule shall be compiled and broken down according to the races or minority groups of the drivers stopped.

(6) The law enforcement agency head, director, or administrator shall sign each agency report and shall indicate the agency name, agency Originating Agency Identifier (ORI) number, and the date the report was submitted to the Attorney General's Office.

(7) The report shall be submitted on forms furnished by or approved by the Attorney General.

AUTHORITY: section 590.650, RSMo 2000. Emergency rule filed Aug. 21, 2000, effective Aug. 31, 2000, expires Feb. 23, 2001. Original rule filed Aug. 21, 2000, effective March 30, 2001. Rescinded and readopted: Filed July 31, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Attorney General, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 10—Reporting of Motor Vehicle Stops by
Law Enforcement Agencies**

PROPOSED RESCISSION

15 CSR 60-10.030 Reporting Forms. This rule provided forms used for the compilation and reporting of information on motor vehicle stops by law enforcement agencies.

PURPOSE: This rescission is being made to dis-incorporate the forms used by law enforcement agencies from the rule. The Office of the Attorney General believes it will be more efficient to remove the forms from the rule than to amend the rule every time a form change is necessary.

AUTHORITY: section 590.650, RSMo 2000. Emergency rule filed Aug. 21, 2000, effective Aug. 31, 2000, expires Feb. 23, 2001. Original rule filed Aug. 21, 2000, effective March 30, 2001. Rescinded: Filed July 31, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Office of the Attorney General, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 10—Reporting of Motor Vehicle Stops by
Law Enforcement Agencies**

PROPOSED RULE

15 CSR 60-10.030 Reporting Forms

PURPOSE: This rule describes forms used for the compilation and reporting of information on motor vehicle stops by law enforcement agencies.

(1) Law enforcement agencies are required, pursuant to section 590.650, RSMo, and 15 CSR 60-10.020 to compile information about motor vehicle stops for submission to the Attorney General.

(2) No report from a law enforcement agency shall be deemed to be in compliance with section 590.650, RSMo, unless the report contains a compilation of the information enumerated in 15 CSR 60-10.020 and such other information as the Attorney General may require.

(3) No report from a law enforcement agency shall be deemed to be in compliance with section 590.650, RSMo, unless the report is signed by the law enforcement agency head, director, or administrator.

(4) The compiled information shall be broken down by races or minority groups of the drivers stopped.

(5) The report to the Attorney General shall be made on a form furnished by or approved by the Attorney General. The reporting form may, at the discretion of the Attorney General, be made available on the Internet.

(6) The Attorney General may create informal guidelines for compliance with the reporting form. The guidelines may, at the discretion of the Attorney General, be made available on the Internet.

AUTHORITY: section 590.650, RSMo 2000. Emergency rule filed Aug. 21, 2000, effective Aug. 31, 2000, expired Feb. 23, 2001.

Original rule filed Aug. 21, 2000, effective March 30, 2001. Rescinded and readopted: Filed July 31, 2001.

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Attorney General, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 40—Division of Maternal, Child and Family Health
Chapter 9—Universal Newborn Hearing Screening Program

PROPOSED RULE

19 CSR 40-9.010 Definitions

PURPOSE: *This section defines the terms used in this chapter.*

(1) Acceptable refer rates means the department has determined the facility's percentage of newborns referred for rescreening or diagnostic evaluation is acceptable, based on factors including but not limited to type of equipment; methodology; population screened; and facility staff.

(2) Audiologist is a person who is licensed in the state of Missouri according to Chapter 345, RSMo to provide audiological services.

(3) Automated screening equipment is equipment used for newborn hearing screening which automatically provides a pass/refer outcome.

(4) Automated pass/refer criteria is the interpretive criteria incorporated into hearing screening equipment that automatically provides a pass/refer outcome.

(5) Birth admission is the hospitalization during which the newborn is delivered.

(6) Diagnostic audiological assessment is the required audiometric testing used to determine the presence, type and severity of hearing loss.

(7) Department is the Missouri Department of Health.

(8) Department-designee is a person acting on behalf of the department in assessing, tracking and/or surveillance of hearing screening information.

(9) Facility is a hospital or ambulatory surgical center licensed by the state of Missouri, Department of Health.

(10) Food and Drug Administration (FDA)-approved equipment is hearing screening equipment that is designed specifically for use with newborns, and has met approved standards of operation set forth by the U.S. Food and Drug Administration.

(11) Hearing loss is a dysfunction of the auditory system of any type or degree that is sufficient to interfere with the acquisition and development of speech and language skills.

(12) Hearing screening is the completion of an objective, physiological test or battery of tests using recommended guidelines to identify newborns that need further audiological assessment.

(13) Infant is any child at least thirty (30) days of age, and less than twelve (12) months of age.

(14) Initial hearing screening is the first hearing screening performed on a newborn preferably prior to discharge from the facility where the birth occurred.

(15) Lost to follow-up is a newborn who cannot be located through tracking, and who may not have completed the screening and/or referral process.

(16) Missed is any newborn that did not have a hearing screening prior to discharge from the birthing facility.

(17) Newborn is any child twenty-nine (29) days of age or less.

(18) Non-audiologic personnel means any person that is not licensed as an audiologist in the state of Missouri according to Chapter 345, RSMo.

(19) One-stage newborn hearing screening program is designed so that newborns who do not pass the initial hearing screening are referred for diagnostic audiological assessment.

(20) Parent is a biological parent, stepparent, adoptive parent, legal guardian or other legal custodian of a newborn.

(21) Pass is the result obtained by automated hearing screening equipment, with preset interpretive criteria based upon a specific scientific rationale, which requires no further screening or testing.

(22) Primary care provider is a physician or person who professionally undertakes the pediatric care of the newborn, and is licensed in the state of Missouri as appropriate.

(23) Program manager is the person designated as being responsible for the newborn hearing screening program at a facility.

(24) Reasonable effort is demonstrated when the department has documentation of at least two (2) attempts to contact the newborn/infant's parent(s) by mail or phone, and at least one (1) attempt to contact the newborn/infant's primary care provider.

(25) Refer is the result obtained by hearing screening equipment, with preset interpretive criteria based upon a specific scientific rationale, that requires further screening or confirmatory testing.

(26) Referral is the process of sending a newborn that receives a "refer" screening result for additional audiological, educational, medical, or social assessment or evaluation.

(27) Rescreening is a repeat hearing screening performed on a newborn or infant, typically in an outpatient setting and preferably within thirty (30) days of the initial hearing screening.

(28) Third party payer is any person, corporation, trust, association, the state of Missouri, any governmental subdivision or agency or any other legal entity which pays directly or indirectly for health care services provided to another person or reimburses or pays a benefit to or on behalf of another person for health care

services in conformance to a contract, plan, employee benefit or member benefit.

(29) Tracking is the process of reviewing information concerning the newborn's hearing screening status, to ensure the hearing screening and referral process is completed in a timely manner.

(30) Two-stage newborn hearing screening program is designed so that newborns who do not pass the initial hearing screening are referred for a rescreening exam. If the newborn does not pass the rescreening exam, the newborn/infant is referred for diagnostic audiological assessment.

AUTHORITY: section 191.937, RSMo 2000. Original rule filed Aug. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health; Division of Maternal, Child and Family Health; Glenda Miller, MPH, BSN, CS, Director; 930 Wildwood Drive; PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 40—Division of Maternal, Child and Family Health
Chapter 9—Universal Newborn Hearing Screening Program

PROPOSED RULE

19 CSR 40-9.020 Screening Methodologies and Procedures

PURPOSE: This rule establishes the screening methodologies and procedures that a facility, audiologist, and/or other person that performs hearing screenings outside of a facility must use to operate a newborn hearing screening program and/or perform diagnostic audiological assessments.

(1) Each facility shall designate a person responsible for carrying out the newborn hearing screening program at their facility, referred to as the program manager.

(2) By February 1, 2002, each facility shall notify the department, electronically or in writing, of the name, business address and telephone number of the program manager. Changes to the facility's program manager and/or changes in the business contact information shall be reported to the department within thirty (30) calendar days.

(3) Each facility operating a newborn hearing screening program shall establish written policies and procedures. These policies and procedures shall include, but are not limited to:

(A) The type of newborn hearing screening program (one or two stage) to be operated;

(B) The type of Food and Drug Administration (FDA)-approved hearing screening equipment being used, and screening methods, including the facility location(s) where the screenings will be completed;

(C) Specific duties for all persons participating in the newborn hearing screening program, including minimum training/experience requirements for persons performing the screenings;

(D) A written plan for initial training for all persons participating in the newborn hearing screening program;

(E) A method of evaluating and documenting the competency of each newborn hearing screener's performance upon completion of the initial training and at least annually thereafter;

(F) A plan for ensuring accuracy of newborn hearing screening results. The plan shall address the importance of attaining and maintaining acceptable referral rates;

(G) A plan to notify the parent(s) and primary care provider of the hearing screening results;

(H) Designation of facility personnel responsible for reporting newborn hearing screening results to the department;

(I) Distribution of the prescreening pamphlet to all families of newborns;

(J) Distribution of the audiologist resource guide;

(K) A method of referral for newborns who "missed" the birth admission hearing screening, or require rescreening and/or diagnostic audiological assessment; and

(L) Documentation of screenings refused by the family.

(4) A facility using non-audiologic personnel to perform the newborn hearing screening shall use FDA-approved screening equipment that provides automated pass/refer criteria.

(5) A facility shall provide to the department or department-designee, a copy of their written policies and procedures upon request.

(6) The facility shall provide each newborn's parent(s) with information about newborn hearing screening in English or other language or alternate method as appropriate. The department shall provide information to facilities in other languages upon request.

(7) A facility or person(s) performing hearing screenings outside a facility shall notify parent(s) and the primary care provider of the hearing screening results within seven (7) calendar days of the screening.

(8) Any facility that transfers a newborn for further acute care prior to the completion of newborn hearing screening shall assure the receiving facility is aware of the status of the newborn hearing screening. The newborn/infant may have the hearing screening performed by the receiving facility, or be referred back to the birth facility for the hearing screening.

(9) A facility or person that performs a hearing screening outside a facility, shall give the parent(s) of a newborn receiving unilateral or bilateral "refer" result(s), a list (developed by the department) of audiological services. Parent(s) shall be instructed to contact the primary care provider and any third party payers to determine the appropriate referral process prior to obtaining audiological services.

(10) Rescreening shall be performed by an audiologist, physician, and/or facility personnel trained in the newborn hearing screening program.

(11) Rescreening shall be completed within thirty (30) calendar days of the initial newborn hearing screening. Infants requiring continuous acute care following birth shall have their rescreening completed within thirty (30) calendar days of the acute care discharge.

(12) Diagnostic audiological assessments shall be performed by audiologists.

(13) Diagnostic audiological assessments shall be completed within thirty (30) calendar days of the rescreening, or initial screening if applicable. Infants requiring continuous acute care following birth shall have their diagnostic audiological assessment completed within three (3) months of the acute care discharge.

(14) The audiologist shall notify the parent(s) and primary care provider of the diagnostic audiological assessment results no later than seven (7) calendar days following the completion of the assessment.

(15) The department shall make reasonable efforts to assure that all newborns have a hearing screening by three (3) months of age (or within three (3) months of discharge from an acute facility for infants requiring continuous acute care following birth).

(16) The department shall make reasonable efforts to assure that all newborns with a confirmed hearing loss are referred to the appropriate point of contact for the Part C of the Individuals with Disabilities Education Act (IDEA) system of early intervention services (First Steps) by six (6) months of age (or within six (6) months of discharge from an acute care facility for infants requiring continuous acute care following birth).

AUTHORITY: section 191.937, RSMo 2000. Original rule filed Aug. 1, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$2,009,599 annually in the aggregate. See attached detailed Fiscal Note.

PRIVATE COST: This proposed rule will cost private entities an estimated \$1,380,524 annually in the aggregate. See attached detailed Fiscal Note.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health; Division of Maternal, Child and Family Health; Glenda Miller, MPH, BSN, CS, Director; 930 Wildwood Drive; PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER 19 CSR 40-9.020

Title: Title 19 – Department of Health

Division: Division 40 – Division of Maternal, Child and Family Health

Chapter: Chapter 9 – Universal Newborn Hearing Screening Program

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 40-9.020 Screening Methodologies and Procedures

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Health	\$224,173 annually
Missouri Department of Social Services	\$1,785,426 annually
Total Public Entity Cost	\$2,009,599 annually

III. WORKSHEET

The estimate in the aggregate was calculated as follows:

Department of Health

Salaries:

50% of salary for one Health Program Representative III (1/2 of \$36,012)	\$18,006
50% of salary for one Health Program Representative I/II (1/2 of \$22,364)*	11,182
12.5% of salary for one Clerk Typist II (12.5% of \$18,756)	2,345
12.5% of salary for one Computer Info. Technologist III (12.5% of \$60,528)*	<u>7,566</u>
TOTAL SALARIES	\$39,099
FRINGE BENEFITS @28%	<u>10,948</u>
 TOTAL ANNUAL SALARIES AND BENEFITS	 \$50,047

Contractual:

Audiological Consultant	\$46,118
Service Coordination (two FTE contracted service coordinators)*	<u>108,000</u>
TOTAL ANNUAL CONTRACTUAL COST	\$154,118

Office Expenses:

Printing costs	\$18,590
Administrative supplies	<u>1,418</u>

TOTAL ANNUAL OFFICE EXPENSES	\$20,008
TOTAL ANNUAL DOH COST	\$224,173

*These salaries and contract expenses are fully funded for up to four years through a grant awarded by the Health Resources and Services Administration to the DOH.

Department of Social Services (DOSS)

Screening Costs

Birth admission screening	\$1,347,019
Rescreening costs	419,397
Diagnostic audiological assessment	<u>19,010</u>

TOTAL ANNUAL DOSS COST	\$1,785,426
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IV. ASSUMPTIONS

It is assumed the Department of Health (DOH) will devote 2.5 full time employees (FTE's) to administer the Newborn Hearing Screening Program. Fifty percent of the employees' time will be spent working on the program dealing with this rule while the other fifty percent will be spent working on the rest of the program. One Health Program Representative III (HPR III) will function as coordinator for the program. Duties of the HPR III include: provide primary oversight of the audiological contract; supervision of the HPR I/II; primary reporter of information to the federal program authorities (Centers for Disease Control and Prevention and the Maternal and Child Health Bureau of the Health Resources and Services Administration); development of the surveillance and tracking system and the community and parent resource materials and reporting forms; and providing administrative support to facilities. A HPR I/II will work as the primary investigator for the surveillance and case management of the newborns reported in the web-base system. The Clerk Typist II will provide clerical assistance, including data entry. A Computer Information Technologist III will support ongoing maintenance of the application software and related documentation; assist with user training; provide additional programming as needed; and provide investigation and analysis of the web-based and case management system.

The DOH audiological contractor will train a select group of licensed audiologists to assist with training of facility staff. The audiology trainers are currently licensed audiologists practicing in Missouri, with expertise in performing newborn hearing screenings and diagnostic audiological assessments. The contractor will develop training plans for the audiology trainers and facility staff. In addition, the contractor will establish guidelines for facilities to utilize in achieving appropriate referral rates. The contractor will provide technical assistance and training for facilities during the first year. After the first year, the contractor will provide training and technical assistance based upon the performance of the facilities during the year, or at the request of the facility. In addition a HRSA grant provides for two FTE contracted service coordinators.

Other costs anticipated by DOH include printing and mailing costs for newborn hearing screening brochures and other family resource materials. The estimated cost for this

expense is \$18,590. Administrative supplies (general office supplies and reference/resource materials) for the program staff are estimated at \$1,418.

The Department of Social Services (DOSS) estimates that 52.5% of the 75,000 births in Missouri will be funded by the Missouri Medicaid program. DOSS reimburses \$34.21 per screening, which for 39,375 newborns (52.5% of 75,000 births) totals \$1,347,019. Rescreening is anticipated on 3938 newborns, which is 10% of newborns covered by the Missouri Medicaid program. It is assumed the audiologist will conduct the rescreening in an outpatient facility setting. There are two methods of testing available. Missouri Medicaid reimburses \$141.50 for the auditory brainstem response (ABR) method, and \$71.50 for the otoacoustic emission (OAE) method. Assuming half of the rescreenings will use the ABR method and the remainder will use the OAE method, the average cost for the diagnostic audiological assessment is \$106.50 per child, for a total rescreening cost of \$419,397 ($\106.50×3938). It is assumed 5% of these newborns (197) will be referred for diagnostic audiological assessment and be covered by Missouri Medicaid. Given the Medicaid reimbursement rate of \$96.50 per diagnostic audiological assessment, the total cost for audiological assessments is \$19,010. Therefore, the total estimated annual cost to DOSS is \$1,785,426 ($\$1,347,019 + 419,397 + 19,010$).

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER 19 CSR 40-9.020

Title: Title 19 – Department of Health

Division: Division 40 – Division of Maternal, Child and Family Health

Chapter: Chapter 9 – Universal Newborn Hearing Screening Program

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 40-9.020 Screening Methodologies and Procedures

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
80	Hospital/Ambulatory Care Centers	\$1,302,108 Annually
299	Audiologists	\$78,416 Annually
Total Private Entity Cost		\$1,380,524 Annually

Notes: 1.) It is understood that physicians and primary care providers have a responsibility to assure all newborns who did not have hearing screening performed at the birth facility prior to discharge, or were delivered outside of a facility, receive a hearing screening. It is assumed the physicians and primary care providers will refer these newborns either to audiologists or to hospitals/ambulatory surgical centers for the newborn hearing screening.

2.) These costs are reflective of the annual personnel and equipment costs for facilities and audiologists. It is assumed the facilities and audiologists will be reimbursed at least an amount equivalent to the above costs, as reimbursement for this screening is mandatory according to the statute.

III. WORKSHEET

The estimate in the aggregate was calculated as follows:

- Determine average equipment cost for four newborn hearing screening units, associated hardware and accessories, and screening supplies:

Additional Hardware/Access	Natus ALGO	Biologic AuDX	Otodynamics IL088	SonaMed Clarity
Unit cost	\$17,500.00	\$3,995.00	\$6,500.00	\$25,000.00
Computer for screener/data management	\$1,500.00	\$1,500.00	\$1,500.00	Not applicable
Printer for Data Management	\$300.00	\$300.00	\$300.00	Not applicable
Screening supplies: (Based upon an average of 938 births per facility annually)	\$8,160.60 (\$8.70/baby)	\$938.00 (\$1.00/baby)	\$1,266.30 (\$1.35/baby)	\$1,876.00 (\$2.00/baby)
Calibration and/or warranty	\$93.80	\$75.04	Not applicable	Not applicable
Total Unit Cost	\$27,554.40	\$6,808.04	\$9,566.30	\$26,876.00

Based on information received from the National Center for Hearing Assessment and Management (NCHAM), the average cost for 4 models of newborn hearing screening equipment listed above is \$17,701.19. It is assumed 33.3% (27) birthing facilities will be required to make equipment purchases annually at a cost of \$477,932. The average cost for screening supplies is \$3.27 per newborn. Assuming each of the facilities will average 938 births per year, the supply total will be \$3,067 for each facility and an annual combined total for all facilities of \$245,381. The combined equipment and supply cost for all birthing facilities will be \$723,313 annually.

- Determine the personnel costs for the various staff needed to administer and operate a newborn hearing screening program at a birthing facility and personnel costs to perform diagnostic audiological assessments at private audiologist practices:

Type of Staff	Hourly Wage +	Time to Complete Task	Cost Per Newborn	Total Personnel Cost *
Program Manager	\$35.00	3 minutes	\$1.75	\$1,641.50
RN Screener	\$32.50	8 minutes	\$4.34	\$4,070.92
Clerical Staff	\$13.00	5 minutes	\$1.08	\$1,013.04
Audiologist **	\$40.63	8 minutes (rescreenings)	\$5.42	\$509.48
Total Personnel Costs per Facility + Hourly rate includes 28% allowed for benefits. *Cost per newborn based on an average of 938 births per facility for Program Manager, RN Screener, and Clerical Staff. **Cost per newborn based on an average of 94 (10%) rescreenings per facility for the audiologist.				\$7,234.94 Annually

Audiological Assessments				
Type of Staff	Hourly Wage +	Time to Complete Task	Cost Per Newborn	Total Personnel Cost *
Clerical Staff	\$13.00	5 minutes	\$1.08	\$8.13

Audiologist	\$40.63	45 minutes (diagnostic audiological assessment)	\$30.48	\$229.51
Total Personnel Costs per Audiologist + Hourly rate includes 28% allowed for benefits. * Cost per newborn based on 2,250 total and 7.53 newborn assessments per licensed audiologist.				\$237.64 Annually

IV. ASSUMPTIONS

Approximately 75,000 live births occur in 80 birthing facilities annually in Missouri, an average of 938 births per facility. The birthing facilities include publicly and privately funded hospitals and ambulatory care centers. We assume no hospital or ambulatory care center is totally publicly funded, therefore all birthing facilities are considered private entities. It is assumed 100% of newborns will be screened prior to discharge from the birthing facilities.

For the purposes of this fiscal note, Missouri is expected to mirror the national average for referral rates and costs of operating a newborn hearing screening program. Cost estimates used in this fiscal note are based on data from the National Center for Hearing Assessment and Management (NCHAM). It is assumed 10% of all newborns born in Missouri, or 7500 (an average of 938 per facility), will require rescreening. In addition, 3% of the 7500 newborns (2,250) will require diagnostic audiological assessment (an average of 7.53 per licensed audiologist).

It is also assumed audiologists in private practice already have newborn hearing screening equipment, and will be paying warranty, repair and equipment update costs to maintain their equipment. Therefore, it is assumed the audiologists will not incur additional equipment costs.

Facility personnel costs include a program manager to coordinate all aspects of the facility's hearing screening program and other staff to perform the newborn hearing screenings, diagnostic audiological assessments, and various clerical functions. It is assumed most facilities will use existing supervisory nursing staff for the program manager position. The hourly rate for this position, \$35.00, was obtained from a survey of Missouri hospitals. We assume facilities will utilize newborn nursery nurses to perform the birth admission screening, at an hourly rate of \$32.50. According to NCHAM, facilities employing audiologists for rescreenings pay an hourly wage of \$40.63.

Based on time studies conducted using the previously mentioned hearing screening equipment, NCHAM estimates a coordinator spends three minutes per newborn performing various administrative tasks, and the newborn hearing screener spends eight minutes completing the procedure. Therefore, we assume a cost of \$1.75 per newborn for the program manager and \$4.34 for the RN screener per newborn to perform a hearing screen. The total annual program manager personnel cost is \$1,641.50 per facility. The total annual newborn RN screener cost is \$4070.92 per facility.

It is assumed each facility will utilize a clerk to perform office data entry, tracking, and billing functions for the initial screenings and rescreenings performed in the facility's outpatient department. NCHAM estimates each clerk would spend an average of 5 minutes completing tasks, with an average hourly wage of \$13.00, which equates to \$1.08 per newborn and a total annual personnel cost of \$1,013.04.

For the purposes of this fiscal note, it is assumed a licensed audiologist will perform hearing screenings or rescreenings in a facility outpatient setting. According to NCHAM, the average rescreening is done in eight minutes, at a cost of \$5.42 per newborn and an annual personnel cost to the facility of \$509.48.

The cumulative annual personnel cost for each facility would entail costs for the program manager, nurse screener, clerical staff, and audiologist of \$7,234.94 per facility. The combined total facility personnel costs are \$578,795 annually. Adding in the equipment/supply costs of \$723,313, the cumulative total for private facility equipment, supply and personnel costs is \$1,302,108 annually.

We assume the diagnostic audiological assessments will be performed by an audiologist in the private practice setting, in a non-sedative manner. According to NCHAM, the average diagnostic audiological assessment requires 45 minutes for completion, equating to a personnel cost to the audiologist of \$30.48 per newborn. A clerk would be needed to perform office data entry, tracking, and billing functions for the office. As previously mentioned, the clerk would be paid \$13.00 per hour and would require 5 minutes to complete the assigned tasks. The clerical personnel cost equates to \$1.08 per newborn. Given the number of licensed audiologists in Missouri, the average number of diagnostic audiological assessments performed per licensed audiologist is 7.53. The cumulative annual personnel cost to the audiologist in private practice would be \$237.64. Adding in supply costs of \$3.27 per newborn, for 7.53 newborns equals \$24.62 per audiologist. The total personnel and supply cost for each audiologist is \$262.26 annually. Therefore, the total annual cost for all 299 audiologists is \$78,416.

Adding the cumulative total for private facility equipment, supply and personnel costs of \$1,302,108 and the costs for audiological assessments of \$78,416 gives an annual total cost to private entities of \$1,380,524.

Title 19—DEPARTMENT OF HEALTH
Division 40—Division of Maternal, Child and Family Health
Chapter 9—Universal Newborn Hearing Screening Program

PROPOSED RULE

19 CSR 40-9.040 Information to be Reported to the Department of Health

PURPOSE: This rule establishes the information management, reporting and tracking system used by facilities, primary care providers, and audiologists to report newborn hearing screening data to the department. Timely reporting is necessary to assure the provision of early diagnostic and intervention services.

(1) Each facility, physician, or primary care provider shall report all newborn hearing screening results, including missed screenings, via either the department's web-based reporting system or manually on the department's newborn hearing reporting form. This newborn hearing reporting form shall be developed and made available by the department. The results shall be reported to the department within seven (7) calendar days of completion of the hearing screening.

(2) Each facility, or person designated to perform repeat hearing screenings, shall report information for tracking newborns who receive "refer" results or missed the birth admission hearing screening. The information shall be reported to the department via either the web-based reporting system or manually on the department's newborn hearing tracking form, within seven (7) calendar days of completion of the hearing screening.

(3) The facility or person designated to perform the missed hearing screening, the rescreening, and/or the diagnostic audiological assessment, shall notify the department if the scheduled appointment was not kept. This information shall be reported to the department via either the department's web-based reporting system or manually on the department's newborn hearing tracking form, within seven (7) calendar days of the date of discharge or scheduled appointment date.

(4) The audiologist shall report all diagnostic audiological assessment results to the department, via either the web-based reporting system or manually on the department's newborn hearing tracking form, within seven (7) calendar days of completion of the assessment.

(5) Each facility or primary care provider shall provide to the department, upon request, information from the newborn's medical record relevant to the newborn's hearing status.

(6) Each facility, physician, primary care provider, or audiologist shall document all parental refusals for newborn hearing screening, and report the refusal to the department via either the web-based reporting system or manually on the department's newborn hearing screening tracking form within seven (7) calendar days of refusal.

AUTHORITY: section 191.937, RSMo 2000. Original rule filed Aug. 1, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated seventy thousand fifty-five dollars (\$70,055) annually in the aggregate. See attached detailed Fiscal Note.

PRIVATE COST: This proposed rule will cost private entities an estimated one hundred ninety-three thousand six hundred fifty dol-

lars (\$193,650) annually in the aggregate. See attached detailed Fiscal Note.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health; Division of Maternal, Child and Family Health; Glenda Miller, MPH, BSN, CS, Director; 930 Wildwood Drive; PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER 19 CSR 40-9.040

Title: Title 19 – Department of Health

Division: Division 40 – Division of Maternal, Child and Family Health

Chapter: Chapter 9 – Universal Newborn Hearing Screening Program

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 40-9.040 Information to be Reported to the Department of Health

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Health	\$70,055 annually
Total Public Entity Cost	\$70,055 annually

III. WORKSHEET

The estimate in the aggregate was calculated as follows:

Department of Health

Salaries:

50% of salary for one Health Program Representative III (1/2 of \$36,012)	\$18,006
50% of salary for one Health Program Representative I/II (1/2 of \$22,364)*	11,182
12.5% of salary for one Clerk Typist II (12.5% of \$18,756)	2,345
12.5% of salary for one Computer Info. Technologist III (12.5% of \$60,528)*	<u>7,566</u>
TOTAL SALARIES	\$39,099
FRINGE BENEFITS @28%	<u>10,948</u>
 TOTAL ANNUAL SALARIES AND BENEFITS	 \$50,047

Office Expenses:

Printing costs	\$18,590
Administrative supplies	<u>1,418</u>
TOTAL ANNUAL OFFICE EXPENSES	\$20,008
TOTAL ANNUAL DOH COST	\$70,055

*These salaries are fully funded for up to four years through a grant awarded by the Health Resources and Services Administration to the Department of Health.

IV. ASSUMPTIONS

It is assumed the Department of Health (DOH) will devote 2.5 full time employees (FTE's) to administer the Newborn Hearing Screening Program. Fifty percent of the employees' time will be spent working on the program dealing with this rule while the other fifty percent will be spent working on the rest of the program. One Health Program Representative III (HPR III) will function as coordinator for the program. Duties of the HPR III include: provide primary oversight of the audiological contract; supervision of the HPR I/II; primary reporter of information to the federal program authorities (Centers for Disease Control and Prevention and the Maternal and Child Health Bureau of the Health Resources and Services Administration); development of the surveillance and tracking system and the community and parent resource materials and reporting forms; and providing administrative support to facilities. A HPR I/II will work as the primary investigator for the surveillance and case management of the newborns reported in the web-base system. The Clerk Typist II will provide clerical assistance, including data entry. A Computer Information Technologist III will support ongoing maintenance of the application software and related documentation; assist with user training; provide additional programming as needed; and provide investigation and analysis of the web-based and case management system. There are no costs to train facilities on using the web-based software and reporting forms.

Other costs anticipated by DOH include printing and mailing costs for newborn hearing screening reporting forms, brochures and other family resource materials. The estimated cost for this expense is \$18,590. The reporting software will be provided to facilities by the DOH free of cost. Administrative supplies (general office supplies and reference/resource materials) for the program staff are estimated at \$1,418.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER 19 CSR 40-9.040

Title: Title 19 – Department of Health

Division: Division 40 – Division of Maternal, Child and Family Health

Chapter: Chapter 9 – Universal Newborn Hearing Screening Program

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 40-9.040 Information to be Reported to the Department of Health

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
80	Hospital/Ambulatory Care Centers	\$179,025 Annually
299	Audiologists	\$14,625 Annually
Total Private Entity Cost		\$193,650 Annually

Notes: 1.) It is understood that physicians and primary care providers have a responsibility to assure all newborns who did not have hearing screening performed at the birth facility prior to discharge, or were delivered outside of a facility, receive a hearing screening. It is assumed the physicians and primary care providers will refer these newborns either to audiologists or to hospitals/ambulatory surgical centers for the newborn hearing screening.

2.) These costs are reflective of the annual personnel and equipment costs for facilities and audiologists. It is assumed the facilities and audiologists will be reimbursed at least an amount equivalent to the above costs, as reimbursement for this screening is mandatory according to the statute.

III. WORKSHEET

The estimate in the aggregate was calculated as follows:

It is assumed that fifty percent of hospitals and ambulatory care centers will use the web-based reporting system and fifty percent will complete the hard copy newborn screening form they presently use for the metabolic screening program to report newborn hearing screening.

Further assumptions are:

1. Clerical staff will be doing the data entry for all reporting.
2. It takes approximately ten minutes to provide the information requested when using the web-based reporting system or the hard copy form.
3. The average hourly wage of clerical staff is \$13.00, which includes a 28% fringe benefit rate.
4. Rescreenings will amount to approximately ten percent of newborns at facilities.
5. There are approximately 75,000 births in Missouri.
6. An average of 938 births per facility is used. With a ten percent rescreen rate, this gives a total of 1,032 newborns screened/rescreened per facility.
7. Three percent of newborns (2,250) will require an audiological assessment by an audiologist.
8. Reporting results of audiological assessments will require approximately 30 minutes to produce, whether reporting via the web or hard copy.

Hospital/Ambulatory Care Screenings and Rescreenings				
Type of Staff	Hourly Wage +	Time to Complete Task	Cost Per Newborn	Total Personnel Cost
Clerical Staff- average cost per facility based on 1032 screenings/ rescreenings	\$13.00	10 minutes	\$2.17	\$2,239
Total cost for all newborns in MO (82,500 screenings or rescreenings)				\$179,025

Audiological Assessments				
Type of Staff	Hourly Wage	Time to Complete Task	Cost Per Newborn	Total Personnel Cost
Clerical Staff	\$13.00	30 minutes	\$6.50	\$6.50 per newborn
Total cost for 2,250 newborns				\$14,625

Total costs for facilities doing screenings and rescreenings and for audiological assessments is then \$179,025 + \$14,625 = \$193,650.

IV. ASSUMPTIONS

Approximately 75,000 live births occur in 80 birthing facilities annually in Missouri, an average of 938 births per facility. The birthing facilities include publicly and privately funded hospitals and ambulatory care centers. We assume no hospital or ambulatory care center is totally publicly funded, therefore all birthing facilities are considered private entities. It is assumed 100% of newborns will be screened prior to discharge from the birthing facilities.

For the purposes of this fiscal note, Missouri is expected to mirror the national average for referral rates and costs of operating a newborn hearing screening program. Cost estimates used in this fiscal note are based on data from the National Center for Hearing Assessment and Management (NCHAM). It is assumed 10% of all newborns born in Missouri, or 7500 (an average of 94 per facility) will require rescreening. In addition, 3% of the 7500 newborns (2,250) will require diagnostic audiological assessment (an average of 7.53 per licensed audiologist).

It is assumed each facility will utilize a clerk to perform data entry, tracking, and billing functions for the initial screenings and rescreenings performed in the facility's outpatient department. NCHAM estimates each clerk would spend an average of 5 minutes completing tasks, with an average hourly wage of \$13.00. Based on the information to be reported, Missouri allows an additional five minutes for gathering information. This ten minute average reporting time per newborn equates to \$2.17 per newborn and a total annual personnel cost of \$179,025.

Again, due to the information requested, Missouri anticipates an average of 30 minutes to compile notes and enter information on audiological assessments by the audiologist's clerical staff. This equates to a cost of \$6.50 per newborn and a total cost of \$14,625 for 2,250 newborn audiological assessments.

The cumulative annual personnel costs for reporting all screenings, rescreenings and audiological assessments amount to \$193,650.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 100—Division of Credit Unions Chapter 2—State-Chartered Credit Unions

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

4 CSR 100-2.060 Delinquent Loan and Extension Agreements Reporting Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1159-1160). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the specified comment period.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 120—State Board of Embalmers and Funeral Directors Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111.1, RSMo 2000, the board amends a rule as follows:

4 CSR 120-2.100 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1007-1010). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received three comments regarding the proposed amendment.

COMMENT: Jerry Davis, Davis Funeral Homes submitted a letter in opposition to the fee increase stating that over the last several years costs have raised significantly, which must then be passed on to the people they serve. Mr. Davis suggested that the board look at ways to cut costs and not just raise fees.

COMMENT: Steven Koosmann, St. Louis Community College, Funeral Service Education submitted a letter of concern stating that this increase will directly affect students and whether they will choose to be licensed in this state. Mr. Koosmann stated that at a time when people entering the funeral service profession is in decline, the first goal should be to assist, wherever possible, those new to the profession. It should not be to make it harder and almost punitive. He further stated that people should be encouraged to come to Missouri to fill jobs that are available and not to leave the state and seek employment elsewhere because they believe the board does not care about them.

COMMENT: The board received an anonymous e-mail in opposition to the proposed amendment asking how the board could justify this increase and stated that embalmers and funeral directors are probably the highest of any occupation in which licenses are renewed.

RESPONSE: The State Board of Embalmers and Funeral Directors is statutorily obligated to enforce and administer the provisions of Chapter 333, RSMo. Pursuant to Section 333.111, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 333, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 333, RSMo. This proposed amendment is necessary because the board's fund balance and projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 333, RSMo, which will result in an endangerment to the health, welfare, and safety of the public. Therefore, the board made no changes to the text of the proposed amendment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 145—Missouri Board of Geologist Registration Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Geologist Registration under section 256.465.2, RSMo 2000, the board amends a rule as follows:

4 CSR 145-1.040 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1011-1013). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.075, 334.080 and 334.125, RSMo 2000, the board amends a rule as follows:

4 CSR 150-2.050 Biennial Registration Penalty is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1014). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.090.2. and 334.125, RSMo 2000, the board amends a rule as follows:

4 CSR 150-2.080 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1014-1019). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.075 and 334.125, RSMo 2000, the board amends a rule as follows:

4 CSR 150-2.125 Continuing Medical Education is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1020-1021). The board is deleting subsection (1)(B), however, the board is not reprinting section (1) since subsection (1)(B) was the last subsection of the section. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two comments were received.

COMMENT: The Missouri Association of Osteopathic Physicians and Surgeons (MAOPS) submitted a letter of concern stating the change regarding post-testing that reduces continuing medical education (CME) hour requirement and the requirement for four hours of CME in the subject area of professionalism, medical ethics or risk management have no data to substantiate the change will improve physicians' practice patterns, increase their knowledge or produce better patient outcomes. MAOPS hopes the board will have data to reinforce newly implemented rules in the future, data to demonstrate their value to physician practices and/or public safety, in order to avoid unnecessary rules without value or merit but are additional burdens to the physician community. The Association is reluctant to state the American Osteopathic Association will accept hours for risk management, medical ethics or professionalism in Category 1-A.

COMMENT: The Missouri Medical Association expressed opposition to the CME mandates that would require the physician to complete at least four hours of accredited continuing education in the subject area of professionalism, medical ethics or risk management. While these may be worthwhile topics for physicians to consider, many believe it is more appropriate to concentrate on the continuing education that most advances the direct provision of patient care within their specialty. Moreover, there is widespread concern dictating CME hours in specified subjects will create hardships for many physicians who are unable to make their busy schedule coincide with the relatively few CME offerings in those subject areas.

RESPONSE AND EXPLANATION OF CHANGE: Based on the comments received the board deleted subsection (1)(B) at this time and will propose again at a later date in order to further study the issue.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under section 334.100.2(4)(f), RSMo 2000, the board adopts a rule as follows:

4 CSR 150-2.165 Chelation of No Medical or Osteopathic Value is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1021-1023). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 8—Licensing of Clinical Perfusionists**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under section 324.159, RSMo 2000, the board amends a rule as follows:

4 CSR 150-8.060 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1023–1024). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 245—Real Estate Appraisers
Chapter 5—Fees**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.513, RSMo 2000, the commission amends a rule as follows:

4 CSR 245-5.010 Payment is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2000 (26 MoReg 1026). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 245—Real Estate Appraisers
Chapter 5—Fees**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, 339.513 and 339.525.5, RSMo 2000, the commission amends a rule as follows:

4 CSR 245-5.020 Application, Certificate and License Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2000 (26 MoReg 1026–1029). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 340.208 and 340.210, RSMo 2000, the board amends a rule as follows:

**4 CSR 270-1.011 Organization of Veterinary Technician
Committee is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1030). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210 and 340.232, RSMo 2000, the board amends a rule as follows:

4 CSR 270-1.021 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1030–1031). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.258, 340.260, 340.262, 340.312, 340.314, 340.316, 340.318, 340.320, 340.322, 340.324 and 340.326, RSMo 2000, the board rescinds a rule as follows:

4 CSR 270-1.050 Renewal Procedures is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1031). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.258, 340.262, 340.312, 340.314, 340.320, 340.322, 340.324 and 340.326, RSMo 2000, the board adopts a rule as follows:

4 CSR 270-1.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1031-1036). The sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No comments were received, however, based on the board's review of the proposed rule and section 327.041, RSMo the board removed the requirement for licensee to have the renewal application to be notarized.

4 CSR 270-1.050 Renewal Procedures

(2) Renewal of an Active or Inactive License/Certificate of Registration.

(A) In order for a veterinarian to renew an active or inactive license, the licensee shall submit the following to the board office prior to the expiration date of the license:

1. A completed and signed renewal application, which shall certify that the licensee has completed the required number of approved continuing education credits in accordance with 4 CSR 270-4.042; and

2. The appropriate renewal fee.

(B) In order for a veterinary technician to renew the active or inactive certificate of registration, the licensee shall submit the following to the board office prior to the expiration date of the registration:

1. A completed and signed renewal application, which has been signed by the supervising veterinarian and certifies that the licensee has completed the required number of approved continuing education credits in accordance with 4 CSR 270-4.050; and

2. The appropriate renewal fee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.228 and 340.230, RSMo 2000, the board amends a rule as follows:

4 CSR 270-2.011 Educational Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1037). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 340.200, 340.210 and 340.246 RSMo 2000, the board amends a rule as follows:

4 CSR 270-2.021 Internship or Veterinary Candidacy Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1037-1038). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210 and 340.247, RSMo 2000, the board amends a rule as follows:

4 CSR 270-2.052 Faculty Licensure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1038). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.246 and 340.250, RSMo 2000, the board amends a rule as follows:

4 CSR 270-2.070 Provisional Licenses is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1038-1039). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians****ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.248 and 340.250, RSMo 2000, the board adopts a rule as follows:

4 CSR 270-2.071 Temporary Licenses is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1039). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 270—Missouri Veterinary Medical Board
Chapter 3—Registration Requirements for Veterinary
Technicians****ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.300, 340.302 and 340.308, RSMo 2000, the board amends a rule as follows:

4 CSR 270-3.020 Examinations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1039–1040). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 270—Missouri Veterinary Medical Board
Chapter 3—Registration Requirements for Veterinary
Technicians****ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.234, 340.238 and 340.306, RSMo 2000, the board amends a rule as follows:

4 CSR 270-3.030 Reciprocity is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1040). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 270—Missouri Veterinary Medical Board
Chapter 3—Registration Requirements for Veterinary
Technicians****ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.246 and 340.298, RSMo 2000, the board amends a rule as follows:

**4 CSR 270-3.040 Temporary Registration for Veterinary
Technicians is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1040–1041). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 270—Missouri Veterinary Medical Board
Chapter 4—Minimum Standards****ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.258 and 340.268, RSMo 2000, the board adopts a rule as follows:

**4 CSR 270-4.042 Minimum Standards for Continuing Education
for Veterinarians is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1041–1046). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 270—Missouri Veterinary Medical Board
Chapter 4—Minimum Standards****ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.258 and 340.324, RSMo 2000, the board amends a rule as follows:

**4 CSR 270-4.050 Minimum Standards for Continuing Education
for Veterinary Technicians is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1047–1050). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 4—Minimum Standards**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.222 and 340.326, RSMo 2000, the board amends a rule as follows:

4 CSR 270-4.060 Minimum Standards for Supervision is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1051). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 5—Veterinary Facilities Permits**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210 and 340.226, RSMo 2000, the board amends a rule as follows:

4 CSR 270-5.011 Permit Applications is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1051-1053). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 7—Disciplinary Proceedings**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210 and 340.250, RSMo 2000, the board amends a rule as follows:

4 CSR 270-7.020 Revocation of Temporary or Provisional License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1054). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.010 Treatment Principles and Outcomes is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 708-710). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the department is not revising the proposed rule.

COMMENT: Six commenters identified 9 CSR 10-7.010(2)-(10) as adding further outcome requirements beyond those currently required for Community Psychiatric Rehabilitation (CPR) and the Comprehensive Psychiatric Services (CPS) children's systems. They raised concerns that there will be significant costs associated with data collection and analysis processes for this rule. Additional or updated technology and required staffing to conduct these processes were specifically mentioned. One of the commenters suggested a phased implementation, perhaps over a period of 12-18 months.

RESPONSE: The Department recognizes the concerns of the commenters. However, current rules require existing quality systems in agencies and the outcome domains in 9 CSR 10-7.010(2) are basic areas that should be addressed by agencies. At least three of the four major areas identified are supported by existing efforts sponsored by the Department through functional scales and consumer satisfaction efforts. For 9 CSR 10-7.010(3) through 9 CSR 10-7.010(10), the performance indicator examples are intended to be illustrative and agencies should consider already existing measures and processes being used in their own organization as the most efficient means of complying with these requirements. Therefore, the Department has not revised the rules.

COMMENT: Related to 9 CSR 10-7.010(7)(A)4.-5., a commenter indicated that a fiscal note should be attached to reflect the costs of transportation, including staff costs for provision of transportation as well as expenses associated with child care, educational and other issues listed in the rule.

RESPONSE: The Department disagrees with this comment. The language in the rule is consistent with current rule and requires only that the provider assist in arranging for or accessing these services, not responsibility for provision or payment of these services. The Department is not making a revision to the rule.

COMMENT: One commenter felt that the performance indicators included in 9 CSR 10-7.010(2)-(10) were vague and this was a concern because it might give too much discretion to the surveyor conducting the certification review. Specific examples were referenced including use of the word consistent in 9 CSR 10-7.010(4)(B)4. and questioning how an acceptable utilization rate of inpatient and residential treatment will be determined as referenced in 9 CSR 10-7.010(6)(B)1.

RESPONSE: As stated in response to the earlier comment, these performance indicators are examples only and are not required to be used in each agency. No change is being made to the language of the rule.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.020 Rights, Responsibilities, and Grievances is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 710-711). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received but the department is not revising the proposed rule.

COMMENT: One commenter challenged the right of clients to see their records as specified in 9 CSR 10-7.020(4)(B). The commenter was concerned that the client would be allowed to view raw progress notes or test results. The commenter indicated that this rule is in conflict with American Psychological Association ethical guidelines and section 191.227, RSMo 2000.

RESPONSE: The Department would like to point out to the commenter that the client's right to view their own record is in the section that allows limitations for client safety or the safety of others. It also allows limitation of the specific information shared. We disagree that it is in conflict with section 191.227, RSMo 2000. No change has been made in response to this comment.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 711-714). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the department is revising the proposed rule.

COMMENT: One commenter feels that the creation of core rules is confusing because specific providers such as Community Psychiatric Rehabilitation (CPR) providers will now need to reference two different rule sections where previously the standards were self-contained in a single chapter.

RESPONSE: The Department disagrees. As a result of this revision, the Department is consolidating 54 existing rules into 14 rules. It is particularly beneficial for agencies with joint contracts with the Divisions of Alcohol and Drug Abuse (ADA) and

Comprehensive Psychiatric Services (CPS). In addition, the Department will package and print the rules in user-friendly form for different program types for ease of use. No changes are being made to the rule in response to this comment.

COMMENT: Six commenters objected to the specific time frames offered in the rule for emergent, urgent and routine response to individuals presenting for service as described in 9 CSR 10-7.030(1)(A). Their objections included the limiting nature of exact time frames given that industry standard change over time and that these time frames are much more restrictive than current standards and practice. Concerns were also raised that demand for service exceeds available resources and that routine service needs may not be met due to limited funding. It was suggested that all time frames be removed from the rule but if time frames are kept to change emergency to 1-4 hours and to drop any time frame for routine. It was also pointed out that some service delivery sites may be staffed only with part-time or limited staffing and that this rule could not be accommodated at all program sites. One commenter asserted that the rule should also incorporate other factors into the decision related to time frames for service such as the client's past treatment history and compliance, program capacity, and available options for referral to other treatment or services. Also, the specific issue of residential program waiting lists was raised since many waiting lists exceed 14 days. One of the commenters suggests that meeting these time frames will require a reduction in service and that the time frames adopted in area planning be used in lieu of creating a rule. If left in, one commenter suggested that providers be reimbursed on a full-cost basis. Phasing in these requirements with full implementation only when additional funding is available was also suggested.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees that some modifications are needed in this section. Appropriate changes have been made to section (1) of the rule in response to the comments regarding routine and urgent service expectations.

COMMENT: One commenter asked for clarification whether the language in 9 CSR 10-7.030(2) regarding family participation will eliminate the need for Comprehensive Substance Treatment and Rehabilitation (CSTAR) adolescent programs to document involvement of the parent or legal guardian in the planning process by obtaining their signature on the plan.

RESPONSE: The Department believes that 9 CSR 10-7.030(2) is consistent with language in Comprehensive Substance Treatment and Rehabilitation rules that requires signatures on the plan by the parent or legal guardian of an adolescent. No change is being made to the rule.

COMMENT: A commenter raised the question whether the requirement in 9 CSR 10-7.030(3) that requires responsiveness to linguistic and communication needs is shifting responsibility to programs to provide these services or will the Department provide assistance with this need.

RESPONSE: The Department already requires that service be responsive to linguistic and communication needs of clients consistent with the Americans Act. The Department does have billing codes for contract providers to pay for required supports. No change is being made to the rule.

COMMENT: One commenter felt that use of the Access Crisis Intervention (ACI) system by substance abuse providers in 9 CSR 10-7.030(4) was addressed by area plans and that additional funding will be required for Access Crisis Intervention (ACI) to be responsive to larger populations associated with Alcohol and Drug Abuse (ADA) providers.

RESPONSE: This standard is consistent with already existing requirements for Access Crisis Intervention (ACI) funding. No change is being made to this rule.

COMMENT: Seven commenters objected to requirements in 9 CSR 10-7.030(5) requiring follow-up after an individual has missed appointment as excessive. The commenter asserts that most clients are voluntary and that efforts to contact them following missed appointments are intrusive and violate their right to self-determination. Others felt it fostered dependency when applied generally and is appropriate only for certain populations. It was suggested that language be added to allow discretion based on client needs and history and eliminate the 48-hour requirement. Another commenter requested clarification about whether 9 CSR 10-7.030(5) supersedes the Comprehensive Substance Treatment and Rehabilitation (CSTAR) rule that requires 24 hour follow-up. RESPONSE AND EXPLANATION OF CHANGE: The Department agrees that follow-up activity for clients who miss appointments must allow for individual client circumstances and discretion. Changes in language will be made in 9 CSR 10-7.030(5) to allow more agency and clinical discretion in the form of specific agency policies. Divisions may include in program-specific requirements additional standards for outreach and engagement.

COMMENT: Six commenters questioned the need to include clinical utilization review in the rule. Issues included costs, redundancy of the functions by certification/audit staff, and potential delay in authorizations and billings.

RESPONSE: Current standards contain utilization review as a function of the Department. This standard does not represent a change from current practice and no changes will be made in the language.

COMMENT: Three commenters questioned the clinical necessity of completing a discharge summary each time an individual moves to a less restrictive level of care. Comprehensive Substance Treatment and Rehabilitation was given as an example to demonstrate the questionable value of this requirement. A third commenter echoed this sentiment, stating that if the standards require this in the same agency, they are too stringent and do not support an efficient continuum of care philosophy.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees that this language should be changed. 9 CSR 10-7.030(9)(A)1. and 9 CSR 10-7.030(9)(A)3. will be deleted, language will be modified in 9 CSR 10-7.030(9)(A)4., and additional language will be included.

COMMENT: One commenter asked whether the continuing recovery plan referenced in 9 CSR 10-7.030(9)(C) is the treatment plan or an aftercare plan. The commenter requested consistency in language and definitions of terms.

RESPONSE AND EXPLANATION OF CHANGE: The continuing recovery plan referenced in this section is the aftercare plan. The language will be changed to aftercare plan in section (9) and will be used consistently in the rule.

9 CSR 10-7.030 Service Delivery Process and Documentation

(1) Screening. Each individual requesting services shall have prompt access to a screening in order to determine eligibility and to plan an initial course of action, including referral to other services and resources, as needed.

(A) At the individual's first contact with the organization (whether by telephone or face-to-face contact), any emergency or urgent service needs shall be identified and addressed.

1. Emergency service needs are indicated when a person presents a likelihood of immediate harm to self or others. A person

who presents at the program site with emergency service needs shall be seen by a qualified staff member within fifteen (15) minutes of presentation. If emergency service needs are reported by telephone, the program shall initiate face-to-face contact within one (1) hour of telephone contact or shall immediately notify local emergency personnel capable of promptly responding to the report.

2. Urgent service needs are indicated when a person presents a significant impairment in the ability to care for self but does not pose a likelihood of immediate harm to self or others. A person with urgent service needs shall be seen within forty-eight (48) hours, or the program shall make appropriate arrangements to provide for necessary supports until the person can be seen for screening.

3. Routine service needs are indicated when a person requests services or follow-up but otherwise presents no significant impairment in the ability to care for self and no apparent harm to self or others. A person with routine service needs should be seen as soon as possible to the extent that resources are available.

(4) Missed Appointments. Agencies shall establish policies and procedures, consistent with needs and requirements of clients, to contact persons who fail to appear at a scheduled program activity.

(9) Discharge Summary and Aftercare Plan. Each individual shall be actively involved in planning for discharge and aftercare. The participation of family and other collateral parties (e.g., referral source, employer, school, other community agencies) in such planning shall be encouraged, as appropriate to the age, guardianship, service provided or wishes of the individual.

(A) A written discharge summary and, where applicable, an aftercare plan shall be prepared upon—

1. Transferring to a different provider;
2. Successfully completing treatment; or
3. Discontinuing further participation in services.

(C) An aftercare plan shall be completed prior to discharge. The plan shall identify services, designated provider(s), or other planned activities designed to promote further recovery.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 10—Director, Department of Mental Health

Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.040 Quality Improvement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 714). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the department is not revising the proposed rule.

COMMENT: One commenter indicated that they are designing quality improvement systems consistent with Commission on Accreditation of Rehabilitation Facilities (CARF) standards and that being subject to another authority with different format and content requirements is unnecessary and arbitrary.

RESPONSE: The Department does not agree that this rule is in conflict with Commission on Accreditation of Rehabilitation Facilities (CARF) requirements. An agency may choose to integrate the two sets of requirements into a single plan, process, or system. Once an agency is Commission on Accreditation of Rehabilitation Facilities (CARF) accredited, many of the standards in this section will be deemed in compliance. The Department has elected not to change the language in this section in response to the comment.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.050 Research is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 714-715). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments have been received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.060 Behavior Management is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 715-716). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the department is not revising the proposed rule.

COMMENT: One commenter requested clarification related to the purpose statement, indicating that it is not clear how these rules apply to residential care facilities licensed by Division of Family Services (DFS) and Department of Mental Health (DMH). Currently, the commenter indicates they are subject only to the medication sections for Community Psychiatric Rehabilitation (CPR) and are subject to Division of Family Services (DFS) restraint rules that are less stringent when compared to these proposed rules.

RESPONSE: The Department disagrees with the commenter's statement that the rule is not clear. Specific programs are listed for

which the rule is applicable and Division of Family Services (DFS)-funded agencies and programs are not included.

COMMENT: One commenter indicated that youth residential facilities generally do not have 24-hour availability of licensed practitioners to issue orders as specified in 9 CSR 10-7.060(2)(C). The commenter asked that there be allowance for exceptions to this rule.

RESPONSE: Only one commenter raised this issue and it appears that this commenter is not covered by this rule as discussed in the last comment. No changes have been made.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 716-717). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the department is revising the proposed rule.

COMMENT: One commenter recommended that a definition of medication administration is needed that is consistent with yet distinguishes the function in a program from the service definition used for billing purposes.

RESPONSE: The Department disagrees that there is a need for a definition of medication administration in this rule. No change has been made.

COMMENT: One commenter feels that the language in the rule needs to clearly address delegation and supervision of medication administration functions to unlicensed assistive personnel.

RESPONSE: The Department believes the provision requiring compliance with applicable state law and regulations addresses this issue. We decline to make a change.

COMMENT: One commenter feels that the length and content of medication training should be specified to assure quality of service.

RESPONSE: The Department agrees that training is one method of compliance with some provisions in this rule. However, the Department is not specifying the length and content of the training.

COMMENT: One commenter recommended that policies and procedures referenced in 9 CSR 10-7.070(1)(B) should also include reference to the administration and disposal of medications consistent with actual content of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The language in subsection (1)(B) will be changed to add administered and disposed.

COMMENT: One commenter stated that rules regarding use of standing pro re nata (PRN) medication orders be added since they are not prohibited as they have been in other certification standards.

The commenter indicated rules are needed to prohibit issuance of chemical restraints except in emergencies.

RESPONSE: The issues of pro re nata (PRN) orders and chemical restraints are addressed in the Behavior Management section in 9 CSR 10-7.060. Changes have not been made to the rule.

COMMENT: One commenter suggested that 9 CSR 10-7.070(2) include a list of the current medications prescribed to the client as well as over-the-counter medications the client is taking.

RESPONSE AND EXPLANATION OF CHANGE: 9 CSR 10-7.070(2) includes prescribed medications in the profile. The Department will add language that the profile shall also include non-prescription medications and supplements.

COMMENT: Five commenters questioned the need to have staff observing clients self-administering their medications document consultation regarding the action, side effects and adverse reactions to each medication as specified in 9 CSR 10-7.070(4)(A)2. One felt that these expectations exceed what is needed to support self-administration while others felt this was a general training issue and should be addressed as such. The third commenter indicated that this requirement will increase costs for training and these staff change frequently. A fourth commenter felt that training should be required equivalent to a Level I Medication Aide certification as the minimum requirement to be consistent with other rules. The same commenter felt consultation with reference material was inadequate.

RESPONSE AND EXPLANATION OF CHANGE: In response to these comments, paragraph (4)(A)2. has been changed. It will now be applicable to residential settings for the Department.

COMMENT: Commenting on the same section, one commenter strongly supported inclusion of required availability of consultation with a registered nurse or physician to check medication procedures as is currently required in Community Psychiatric Rehabilitation (CPR) standards. The commenter recognized concerns about costs but also asserted that the cost of medication errors can be great in terms of financial and quality considerations. RESPONSE: Making the change recommended by this commenter would represent an increase in standards for most provider types. The standard referenced by the commenter remains in Community Psychiatric Rehabilitation (CPR) standards. The Department will not make the change to the core rules.

COMMENT: One commenter felt that 9 CSR 10-7.070(4)(D) is more reasonable than existing standards.

RESPONSE: The Department agrees. No change is indicated.

COMMENT: Concern was expressed by one commenter that 9 CSR 10-7.070(4)(E) is insufficient in terms of client care because a report to any physician is not an adequate response when the report should be made to the physician responsible for the client.

RESPONSE: The Department disagrees that this change is needed. It is common that an individual's physician may not be available and another physician may provide coverage. It is also common that individuals may be in a treatment program that is some geographic distance from their physician. No change is being made.

COMMENT: One commenter recommended inclusion on the medication intake sheet referenced in 9 CSR 10-7.070(4)(F)1. of allergies and diagnoses.

RESPONSE AND EXPLANATION OF CHANGE: The Department will add "known allergies" to be included on the medication intake sheet.

COMMENT: In 9 CSR 10-7.070(4)(F)5., one commenter suggested omission of the word dispense since unlicensed staff cannot dispense medications in Missouri.

RESPONSE: The Department disagrees that a change is needed in this statement. The rule will not reflect any changes.

COMMENT: A commenter recommended that the requirement in 9 CSR 10-7.070(4)(H) specify the qualifications of the individual to conduct the review.

RESPONSE AND EXPLANATION OF CHANGE: The Department will add "by qualified staff" to this subsection to the rule. The Department chooses not to specify who is qualified in deference to the general guideline in 9 CSR 10-7.070(1)(A) that requires individuals to be in compliance with all applicable state and federal laws and regulations.

COMMENT: In 9 CSR 10-7.070(4)(J), one commenter recommended that the dispense date be included on the label since it is a Department of Health rule.

RESPONSE AND EXPLANATION OF CHANGE: The Department will add the dispense date to the information required on the label.

COMMENT: One commenter pointed out that 9 CSR 10-7.070(4)(L)1. does not specify who is qualified to receive or dispose of stock pharmaceuticals.

RESPONSE: The Department chooses not to specify who is qualified in deference to the general guideline in 9 CSR 10-7.070(1)(A) that requires individuals to be in compliance with all applicable state and federal laws and regulations.

COMMENT: One commenter requested clarification regarding who is responsible for documentation in the log as required in 9 CSR 10-7.070(4)(L)2.

RESPONSE: The Department has considered this comment and has chosen not to specify the responsible party.

COMMENT: One commenter asked that 9 CSR 10-7.070(4)(L)3. specify who reconciles as to the amount received and dispensed. The commenter also pointed out that only a physician, pharmacist or licensed medical practitioner may dispense.

RESPONSE: The Department has considered this comment and has chosen not to specify the responsible party.

COMMENT: One commenter indicated that 9 CSR 10-7.070(4)(L)4. does not address methadone. Specifically, the rule does not specify who is qualified to administer methadone and who is delegating or supervising this activity. The commenter asks that these issues be addressed in the rules.

RESPONSE: The Department disagrees that the rule does not address methadone. Methadone is a controlled substance and is, therefore, addressed in standards applicable to controlled substances.

9 CSR 10-7.070 Medications

(1) General Guidelines, Policies and Practices. The following requirements apply to all programs, where applicable.

(B) The organization shall have written policies and procedures on how medications are prescribed, obtained, stored, administered and disposed.

(2) Medication Profile. Where applicable, the individual's record shall include a medication profile that includes name, age, weight, current diagnosis, current medication and dosage, prescribing physician, allergies to medication, non-prescription medications and supplements, medication compliance; and other pertinent information related to the individual's medication regimen.

(4) Medication Administration and Related Requirements. The following requirements apply to programs that prescribe or administer

medication and to those programs where individuals self-administer medication under staff observation.

(A) Staff Training and Competence. The organization shall ensure the training and competence of staff in the administration of medication and observation for adverse drug reactions and medication errors, consistent with each staff individual's job duties.

1. Staff whose duties include the administration of medication shall complete Level I medication aide training in accordance with 13 CSR 15-13.030. This requirement shall not apply to those staff who—

A. Have prior education and training which meets or exceeds the Level I medication aide training hours and skill objectives; or

B. Work in settings where clients self-administer their own medication under staff observation.

2. In residential programs, staff whose duties are limited to observing clients self-administer their own medication or to documenting that medication is taken as prescribed shall consult a physician, pharmacist, registered nurse or reference material regarding the action and possible side effects or adverse reactions of each medication under their supervision. This consultation shall be documented.

(F) Records and Documentation. The organization shall maintain records to track and account for all prescribed medications in residential programs and, where applicable, in nonresidential programs.

1. Each individual receiving medication shall have a medication intake sheet which includes the individual's name, known allergies, type and amount of medication, dose and frequency of administration, date and time of intake, and name of staff who administered or observed the medication intake. If medication is self-administered, the individual shall sign or initial the medication intake sheet.

2. The amount of medication originally present and the amount remaining can be validated by the medication intake sheet.

3. Documentation of medication intake shall include over-the-counter products.

4. Medication shall be administered in single doses to the extent possible.

5. The organization shall establish a mechanism for the positive identification of individuals at the time medication is dispensed, administered or self-administered under staff observation.

(H) Periodic Review. The organization shall document that individuals' medications are evaluated by qualified staff at least every six (6) months to determine their continued effectiveness.

(J) Labeling. All medication shall be properly labeled. Labeling for each medication shall include drug name, strength, dispense date, amount dispensed, directions for administration, expiration date, name of individual being served, and name of the prescribing physician.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.080 Dietary Service is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 717-718). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule

becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received but the department is not revising the proposed rule.

COMMENT: One commenter asked for clarification regarding the meaning of the term incidental dietary component as used in 9 CSR 10-7.080(1)(B).

RESPONSE: The Department believes that the rule describes the meaning of incidental dietary component. This is the extent of description and detail the Department has to offer in this matter. No change has been made to the rule.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

**9 CSR 10-7.090 Governing Authority and Program
Administration is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 718-719). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments have been received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.100 Fiscal Management is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 719). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments have been received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.110 Personnel is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 719-720). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the department is not revising the proposed rule.

COMMENT: Five commenters objected to the training requirement specified in 9 CSR 10-7.110(2). Cost for the training was estimated to be greater than that indicated in the fiscal note and the commenters questioned the value of the higher standard. One commenter suggested dropping licensed staff from the requirement since they are already subject to training requirements to keep their licenses. The commenters asked that the standard be dropped back to the current standard of 16 hours per year.

RESPONSE: This rule consolidates multiple existing training standards and it represents a low midpoint of these rules. The flexibility of spreading the requirement over two years should ease the transition for those programs expected to increase. The savings associated with the decreased standards for some programs far exceeds the additional cost for the incremental increase in other programs. In regard to licensed staff, the training obtained as part of their licensure requirements can be used to satisfy these requirements as well as those for their licensure. The Department believes there is value in requiring training associated with Department of Mental Health programs. No change has been made.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.120 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 720-723). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the department is revising the proposed rule.

COMMENT: One commenter requested clarification regarding 9 CSR 10-7.120(7)(D) that requires posting of emergency numbers and at which phone there should be a posting.

RESPONSE: The Department requires posting of emergency numbers at each operational phone on-site. No change has been made in the rule.

COMMENT: A commenter recommended deletion of 9 CSR 10-7.120(9) because it will require examining of driving records and insurance on all personal vehicles used to transport clients. The commenter feels this will raise issues for staff who will request reimbursement for insurance coverage for their personal vehicles which is financially prohibitive. It also raises questions regarding

minimum coverage levels and driving violations of staff and what standards are used to make judgments.

RESPONSE AND EXPLANATION OF CHANGE: Language in section (9) will be changed to reflect the requirements as applicable to agency-owned vehicles.

9 CSR 10-7.120 Physical Plant and Safety

(9) Safe Transportation. Where applicable, the organization shall implement measures to ensure safe transportation for persons served.

(A) Agency owned vehicles which are used by the organization to transport persons served shall have—

1. Regular inspection and maintenance as legally required; and

2. Adequate first-aid supplies and fire suppression equipment which are secured in any van, bus or other vehicle used to transport more than four (4) clients. Staff which operate such a vehicle shall have training in emergency procedures and the handling of accidents and road emergencies.

(C) There shall be a current certificate of insurance for agency owned vehicles in accordance with the organization's requirements.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.130 Procedures to Obtain Certification is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 723-725). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the department is not revising the proposed rule.

COMMENT: One commenter appreciated the simplifications and improvements afforded by the core rules.

RESPONSE: No response needed.

COMMENT: One commenter is uncomfortable with language in section (1) that indicates that certification will be more outcomes focused if it relies on data that is identified in 9 CSR 10-7.010 which is costly to collect and implement. The commenter suggested that the procedures in this section be phased parallel to the requested phase-in of 9 CSR 10-7.010.

RESPONSE: The key goal statement is philosophical in nature and doesn't contain any substantive requirement and therefore the Department declines making any changes in the section.

COMMENT: Related to Section (3)(B), one commenter feels that deeming under Commission on Accreditation of Rehabilitation Facilities (CARF) be extended to all of the core rules because they are already covered in Commission on Accreditation of Rehabilitation Facilities (CARF).

RESPONSE: The Department feels it is appropriate to conduct expedited surveys including key sections of the core rules for

agencies, including those that have been accredited by national accrediting bodies. No change has been made.

COMMENT: One commenter requested clarification related to the purpose statement, indicating that it is not clear how these rules apply to residential care facilities licensed by Division of Family Services (DFS) and Department of Mental Health (DMH). Currently, the commenter indicates they are subject only to the medication sections for Community Psychiatric Rehabilitation (CPR) and are subject to Division of Family Services (DFS) restraint rules that are less stringent when compared to these proposed rules.

RESPONSE: The Department disagrees with the commenter's statement that the rule is not clear. Specific programs are listed for which the rule is applicable and Division of Family Services (DFS)-funded agencies and programs are not included. No changes will be made to the rule.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-7.140 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 725-728). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the department is revising the proposed rule.

COMMENT: One commenter suggested that the definition of a clinical social worker in 9 CSR 10-7.140(2)(PP)5. be changed in order to make the definition parallel to others defined under Qualified Mental Health Professional.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and will change the rule accordingly.

COMMENT: One commenter indicated that the duties of a screener in 9 CSR 10-7.140(2)(PP) differ from the operational definition in 9 CSR 10-7.030 and that duties should determine staff qualifications.

RESPONSE: There is no inconsistency between the definition of screening in 9 CSR 10-7.140 and the operational use of screening in 9 CSR 10-7.030. No change has been made.

COMMENT: One commenter pointed out that the definitions for abuse and neglect in 9 CSR 10-7.140(2)(GG), (HH), (NN), (GGG), and (OOO) are inconsistent with 9 CSR 10-5.200. The commenter suggests that the definitions not be repeated here but should be referenced to avoid impacting this rule if the definitions should be modified in the future.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and will change the rule accordingly.

9 CSR 10-7.140 Definitions

(2) Unless the context clearly indicates otherwise, the following terms shall mean:

(GG) Neglect (Class I), in accordance with 9 CSR 10-5.200;
(HH) Neglect (Class II), in accordance with 9 CSR 10-5.200;
(NN) Physical abuse, in accordance with 9 CSR 10-5.200;
(PP) Qualified mental health professional—any of the following:

1. A physician licensed under Missouri law to practice medicine or osteopathy and with training in mental health services or one (1) year of experience, under supervision, in treating problems related to mental illness or specialized training;

2. A psychiatrist, a physician licensed under Missouri law who has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program identified as equivalent by the department;

3. A psychologist licensed under Missouri law to practice psychology with specialized training in mental health services;

4. A professional counselor licensed under Missouri law to practice counseling and with specialized training in mental health services;

5. A clinical social worker licensed under Missouri law with a master's degree in social work from an accredited program and with specialized training in mental health services;

6. A psychiatric nurse, a registered professional nurse licensed under Chapter 335, RSMo with at least two (2) years of experience in a psychiatric setting or a master's degree in psychiatric nursing;

7. An individual possessing a master's or doctorate degree in counseling and guidance, rehabilitation counseling and guidance, rehabilitation counseling, vocational counseling, psychology, pastoral counseling or family therapy or related field who has successfully completed a practicum or has one (1) year of experience under the supervision of a mental health professional;

8. An occupational therapist certified by the American Occupational Therapy Certification Board, registered in Missouri, has a bachelor's degree and has completed a practicum in a psychiatric setting or has one (1) year of experience in a psychiatric setting, or has a master's degree and has completed either a practicum in a psychiatric setting or has one (1) year of experience in a psychiatric setting;

9. An advanced practice nurse—as set forth in section 335.011, RSMo, a nurse who has had education beyond the basic nursing education and is certified by a nationally recognized professional organization as having a nursing specialty, or who meets criteria for advanced practice nurses established by the Board of Nursing; and

10. A psychiatric pharmacist as defined in 9 CSR 30-4.030;

(GGG) Sexual abuse, in accordance with 9 CSR 10-5.200;

(OOO) Verbal abuse, in accordance with 9 CSR 10-5.200.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.010 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 728). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.020 Procedures to Obtain Certification is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 728). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 30-3.022 Transition to Enhanced Standards of Care is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 728-729). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.022(1). One commenter expressed concern that even with a one-year waiver, new requirements were fiscally impossible without additional funding.

RESPONSE: The department acknowledges that additional funding will be required to implement all of the new requirements in this rule and has built in waivers. The initial waiver period of one year may be renewed or extended by the department annually thereafter. No change in the language of this rule will be made.

COMMENT: 9 CSR 30-3.022(1). Three commenters requested that the waiver be expanded to include the increased requirements on outcomes, clinical utilization review on programs other than Comprehensive Substance Treatment and Rehabilitation (CSTAR) programs, drug testing, diagnostic interview, implementing the levels of care in outpatient programs and on increasing the minimum staff requirement from one to two in residential settings.

RESPONSE: The Department recognizes the concerns of the commenters. However, current rules require existing quality systems in agencies and the outcomes are basic areas that should already be addressed by all agencies. Agencies should consider existing measures and processes currently being utilized in their organization as the most efficient means of complying with these requirements. Clinical utilization review is already in the standards for some programs and exists as a function in other programs. The Department disagrees that levels of care for outpatient will increase cost. Additionally it should be noted that the require-

ment for a diagnostic interview is already waived in 9 CSR 30-3.022(1)(A)1. The requirement about drug testing 9 CSR 30-3.100(11) is permissive language and not mandatory. The requirement for two staff members in residential settings is only intended to clarify the existing requirement that one staff member be available in the detoxification program and one in the residential program, for a total of two staff available at all times in residential settings. No change will be made in the rule.

COMMENT: 9 CSR 30-3.022(1)(B)(2). One commenter recommended that waivers be linked to funding.

RESPONSE: This rule does link waivers to funding and the department declines to change the language of the rule.

COMMENT: 9 CSR 30-3.022(1)(C). One commenter expressed concern that the proposed standards will result in increased referrals to CSTAR programs making it difficult for CSTAR programs to comply with standards. The commenter recommended that CSTAR programs be eligible to request waivers in order to adjust staffing patterns and obtain additional funding.

RESPONSE: The Department disagrees with the premise of this comment and declines to make a change in the rule.

COMMENT: 9 CSR 30-3.022(7). Two commenters expressed concern that small agencies with rural satellite offices would not be able to meet all the new service requirements. The fear was that this would result in the closing of small programs.

RESPONSE: The Department does not intend to require every satellite office to provide all possible services on-site. We do not agree that the additional requirements will cause the closing of small programs. The Department believes that, with the waiver provisions, all programs can comply. No change has been made in response to this comment.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.030 Governing Authority is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 729). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 30-3.032 Certification of Alcohol and Drug Abuse Programs is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 729-730). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: 9 CSR 30-3.032(4)(A)1.-5. One person commented that the five requirements listed under this rule will make it difficult to establish new sites.

RESPONSE: The Department has considered the comment and disagrees. No change has been made in response to this comment.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.040 Client Rights is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 730). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.050 Planning and Evaluation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 730-731). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.060 Environment is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 731). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.070 Fiscal Management is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 731). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.080 Personnel is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 731). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 30-3.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 731-734). Those sections with changes are reprinted

here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.100(3)(A), (B), (C). One person commented that the requirement for services to family members would be difficult to meet with present funding.

RESPONSE: The requirement for services to family members is in the current Comprehensive Substance Treatment and Rehabilitation (CSTAR) rules and there is a waiver of this requirement under 9 CSR 30-3.022(1)(A)3. until sufficient funding is obtained. The Department declines to make changes.

COMMENT: 9 CSR 30-3.100(3)(B). One person commented that family members should only be involved in treatment with the consent/release of the client. The agency should not be held responsible if the client does not wish to engage the family.

RESPONSE: Confidentiality is addressed in 9 CSR 10-7.020(3). Agencies are not held responsible for the refusal of the client to involve their family. The Department declines to make changes.

COMMENT: 9 CSR 30-3.100(4). One person objected to the specialized training required to provide services for women without the inclusion of specialized training in order to serve other populations.

RESPONSE: Other sections in the rule package require training specific to the needs of the population served. The Department declines to make changes.

COMMENT: 9 CSR 30-3.100(5)(D). One person commented that the language contained in this rule is restrictive and it is difficult to address the needs of an adolescent with only supported recovery or recovery maintenance.

RESPONSE AND EXPLANATION OF CHANGE: The intent is to allow non-adolescent programs the ability to provide limited service to adolescents when their needs can be sufficiently addressed at the supported recovery level. When a more intense level of service is indicated the adolescent must be referred to a specialized adolescent treatment program. This rule is not being changed in response to this comment. Additionally, it should be noted that in response to comments under 9 CSR 30-3.130, "recovery maintenance" has been removed as a level of service, therefore the Department is removing reference to recovery maintenance from this subsection.

COMMENT: 9 CSR 30-3.100(7). Three individuals expressed concern about the increased costs associated with employing a qualified diagnostician.

RESPONSE: This is covered under 9 CSR 30-3.022(1)(A) and allows for a waiver. No change will be made in this rule.

COMMENT: 9 CSR 30-3.100(7)(A). One commenter requested the addition of Licensed Professional Counselor (LPC) to the approved list of providers that may perform the diagnostic evaluation portion of the Initial Standardized Assessment Protocol (ISAP).

RESPONSE: The Department supports the addition of Licensed Professional Counselors as qualified diagnosticians. We find nothing in statute or in statewide practice that precludes Licensed Professional Counselors from performing the diagnostic evaluation that is part of the ISAP.

COMMENT/RESPONSE AND EXPLANATION OF CHANGE: Also regarding subsection (7)(A), the department has made several wording changes for clarification. The department has removed "board-certified psychiatrist" from the list of qualified persons in this subsection because a board-certified psychiatrist is already included in another category, i.e. licensed physician. The department has also eliminated another category from the subsection,

namely "other professionals licensed to do so in the state of Missouri" because any individuals included in this category would also be included in one of the other categories mentioned in this subsection.

COMMENT: 9 CSR 30-3.100(8). Five comments expressed concern that the requirement to provide or arrange transportation for clients is costly and would place a financial burden on providers. It was also mentioned that this might not be feasible for long-term programs such as methadone maintenance. Additionally, it was pointed out that there is no limit on distance and this would be an issue for rural providers.

RESPONSE: The Department would like to point out that this standard can be met by arranging for transportation. Also, waivers can be requested for transportation if the standard presents a hardship. No change will be made in this rule.

COMMENT: 9 CSR 30-3.100(10)(A), (B), (C). One commenter did not believe that programs should be required to discharge clients for incidents related to possession or use and that occasional use was part of the disease.

RESPONSE: The standard states "may result in termination from the program." The word "may" is used to allow discretion on the part of the provider in these instances. No change will be made in this rule.

COMMENT: 9 CSR 30-3.100(11). One commenter questioned the cost of drug tests as described in the rule.

RESPONSE: The rule is permissive and does not require providers to perform drug tests. No change will be made in this rule.

COMMENT AND EXPLANATION OF CHANGE: 9 CSR 30-3.100(12). Even though no comment was received the department notes that an additional section of the rule must be added to clarify that a qualified diagnostician as defined in section (7) of this rule must approve the treatment plan, and the department has added a new section (12) for this purpose. The existing section (12) and succeeding sections have been renumbered accordingly.

COMMENT: 9 CSR 30-3.100(13). Three comments expressed concern about the expansion of Clinical Utilization Review into Purchase of Service (POS) programs. Issues were raised about the amount of staff time devoted to these functions by agencies, the turnaround time for the review and the judgments of the reviewers.

RESPONSE: Clinical utilization review is already in existing standards for some programs and exists as a function for other programs. This standard does not represent a substantive departure from current practice. Therefore no changes will be made to this rule.

9 CSR 30-3.100 Service Delivery Process and Documentation

(5) Services to Adolescents. A program that lacks certification as a specialized program for adolescents must meet the following requirements in order to provide services to adolescents—

(D) Obtain clinical utilization review authorization that the adolescent may participate in services. Services are limited to the supported recovery level, unless otherwise authorized by clinical utilization review.

(7) Diagnosis. Eligibility for services shall include a diagnosis of substance abuse or dependency including all five (5) axis as defined in the current edition of the *Diagnostic and Statistical Manual of Mental Disorders* of the American Psychiatric Association.

(A) A face-to-face diagnostic interview shall be conducted as part of the assessment by a licensed physician, licensed psychologist, licensed clinical social worker, or licensed professional counselor.

(12) A qualified diagnostician as defined under section (7) of this rule shall approve the treatment plan.

(13) Reviewing Treatment Goals and Outcomes. The individual treatment plan shall be reviewed on a periodic basis and shall accurately reflect the person's needs and goals. Persons who receive services funded by the department or through a service network authorized by the department shall participate in continuing reviews of their progress and outcomes and updates of their plans within the following time frames:

(A) Ten (10) days for residential treatment and community-based primary treatment;

(B) Thirty (30) days for intensive outpatient rehabilitation;

(C) Ninety (90) days for other levels of care.

(14) Clinical Utilization Review. Services are subject to clinical utilization review when funded by the department or provided through a service network authorized by the department. Clinical utilization review shall promote the delivery of services that are necessary, appropriate, likely to benefit the client, and provided in accordance with admission criteria and service definitions.

(A) The department shall have authority in all matters subject to clinical utilization review including client eligibility and service definition, authorization, and limitations.

(B) Any service matrix or package that is developed by the department or its authorized representative shall include input from service providers.

(C) Clinical utilization review shall include, but is not limited to, the following situations regarding an individual client:

1. Length of stay beyond any specified maximum time period;

2. Service authorization beyond any specified maximum amount or cost;

3. Admission of adolescents into adult programs; and

4. Unusual patterns of service or utilization, based on periodic data analysis and norms compiled by the division.

(D) Clinical utilization review may be required of any client's situation and needs prior to initial or continued service authorization.

(E) The need for clinical utilization review may be identified and initiated by a provider, an individual client, or by the department.

(F) Clinical utilization review may include, but is not limited to, the following situations regarding a program:

1. Unusual patterns of service or utilization, based on periodic data analysis and norms compiled by the division regarding the utilization of particular services and total service costs; and

2. Compliance issues related to certification standards or contract requirements that can reasonably be monitored through clinical review.

(15) Credentialed Staff. Clinical utilization review shall be conducted by credentialed staff with relevant professional experience.

(16) Procedures for Clinical Utilization Review. Procedures shall be made available to all affected programs and services.

(A) Reviews shall be completed in a timely manner not to exceed three (3) working days from the time a request is received.

(B) To the extent feasible, a review request from a provider shall be made prior to the delivery of services.

1. No request made more than ninety (90) days after service provision shall be accepted or authorized by the department.

2. The provider is fully responsible for sending all pertinent information and documentation related to a clinical utilization review request.

(C) It is the responsibility of the provider to request a review regarding the appropriateness of admission and treatment services, if a provider considers a client to meet some but not all admission

criteria or if any reasonable question may exist or be raised about client eligibility for services.

(D) The department may require or initiate clinical utilization review of any situation related to client eligibility.

(E) Service authorization for a client may be continued, increased, reduced, or discontinued in accordance with a clinical utilization review decision.

(F) When a review determines that services have been inappropriate, unnecessary, or delivered to a client who does not meet eligibility and admission criteria, all service authorization for the client may be discontinued and any other necessary action may be taken.

(G) The department shall establish procedures for the review and appeal of an adverse clinical utilization review action. The provider may deliver services to the client during a review or appeal period, with the understanding that such services may not be authorized or funded. A provider or client may—

1. Request further review of an adverse action. The request must be in writing, identify the clinical factors warranting further review, and be received or postmarked within fifteen (15) days of the initial clinical utilization review action; and

2. Appeal any clinical utilization review decision to discontinue all service authorization for the client.

A. The appeal must be in writing, identify the reason for the appeal, and be received or postmarked within thirty (30) days of receiving notice that service authorization has been discontinued.

B. The department shall designate an Appeal Panel to make a final determination in the matter. The panel shall include one (1) or more representatives who are not staff members of the department and shall include at least one (1) member who is a substance abuse treatment provider.

C. Unless otherwise determined by the panel, its final decision shall be based on information available at the time of the initial clinical utilization review action.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 30—Certification Standards

Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 30-3.110 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 735-737). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.110(2). Two commenters expressed concern that this standard requires the provision of new services by Purchase of Service (POS) providers such as individual therapy, day treatment, codependency counseling, group counseling and family therapy. The commenter further indicated that POS providers have not previously been required to provide these services and the rule provides no new funding to cover such services. RESPONSE: The Department does not agree that the provision of individual therapy, day treatment, and group counseling are new responsibilities. POS programs are already providing these services. There is a waiver provision for community support, family therapy and codependency counseling under 9 CSR 30-3.022(1)(A) until additional funding is available. No changes will be made in this rule.

COMMENT: 9 CSR 30-3.110(7)(A)1. One commenter asked for clarification regarding the definition of a family member as it pertains to codependency services.

RESPONSE: Family member is defined in the core rules definitions section 9 CSR 10-7.140(2)(X). No changes were made in the rule.

COMMENT: 9 CSR 30-3.110(7)(A). One commenter asserts that codependency services should not be subject to the current participation in treatment services of the primary client.

RESPONSE: This standard does not represent a change in past practice of the Department. No change will be made in the rule.

COMMENT: One commenter identified an apparent conflict between 9 CSR 30-3.110(7)(C) and 9 CSR 30-3.110(7)(C)2. in terms of the maximum size of the group.

RESPONSE: The Department disagrees that a conflict exists. Section 9 CSR 30-3.110(7)(C)2. allows for the involvement of both the primary and family member together. Additionally, the language for this section is permissive and the provider has the option of structuring sessions as described. No change will be made to this rule.

COMMENT: 9 CSR 30-3.110(7)(D). One commenter indicated that the provider qualifications established under this subsection were too stringent and should be a recommendation, not a mandate.

RESPONSE: This is an existing requirement and no change will be made in this rule as a result of this comment.

COMMENT AND EXPLANATION OF CHANGE: Even though no specific comment was received the department notes that phrase "Codependency group and individual counseling" in subsection (7)(D) is unclear and has reworded the phrase to read "Individual and group codependency counseling."

COMMENT: 9 CSR 30-3.110(8)(A). One commenter is concerned that the children's service delivery activities listed under this rule require the use of licensed staff.

RESPONSE: The Department would like to point out that there is a second option in the rule to utilize unlicensed staff with masters degrees and at least two years of full-time qualifying experience. No change will be made in this rule.

COMMENT: 9 CSR 30-3.110(8)(C). One commenter questioned what standard should be used to make a determination that a child under the age of five has the requisite social and verbal skills to participate in and benefit from the service.

RESPONSE: This determination is left to the discretion of agency staff qualified to provide the service. The Department chooses not to specify a particular standard. No change will be made in the rule.

COMMENT: 9 CSR 30-3.110(9)(A). One commenter asserts that the definition of group counseling is too restrictive and does not allow individualization of the service.

RESPONSE: The Department disagrees. The definition includes reference to the individualized treatment plan and the key functions listed are meant to be illustrative, not all encompassing. No change will be made in the rule.

COMMENT: 9 CSR 30-3.110(10)(C). One commenter asks that the qualifications of individuals who conduct group education services be further defined and specify who determines the competency of the staff member.

RESPONSE: The agency needs to identify methods or criteria to insure that individuals providing this service are competent in the area they are presenting. Due to the broad range of topics, the Department wants to assure necessary flexibility and declines to be more specific in the rule. No change will be made in the rule.

COMMENT: 9 CSR 30-3.110(11)(B)7. One commenter raised the question of whether a community support worker can provide transportation.

RESPONSE: Community support workers are not to bill for transportation on a routine basis. The exception is clearly described in the rule. No change will be made in the rule.

COMMENT: 9 CSR 30-3.110(6)(D). One commenter asked that the standard for qualified family therapist include Qualified Substance Abuse Professional (QSAP) as eligible to provide the service. The commenter asserts that if the change is not made, then it should not be the responsibility of the agency to provide the service.

RESPONSE: The Department points out that a QSAP that is neither licensed nor certified may provide family therapy with close supervision as specified in the rule. The Department declines to lower this standard. Some programs will be eligible for a waiver on family therapy under 9 CSR 30-3.022(1). No change will be made in the rule.

9 CSR 30-3.110 Service Definitions and Staff Qualifications

(7) Codependency Counseling. Codependency counseling is a planned, face-to-face, goal-oriented therapeutic interaction with an individual or a group to address dysfunctional behaviors and life patterns associated with being a member of a family in which an individual has a substance abuse problem and is currently participating in treatment for substance abuse.

(D) Individual and group codependency counseling shall be provided by a person who meets the requirements as a—

1. Family therapist; or
2. Qualified substance abuse professional with training in family recovery.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 30—Certification Standards

Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 30-3.120 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 737-739). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.120(4). One commenter requested that advanced practice nurses be added as an option in place of the required physician backup.

RESPONSE: The Department considered this comment but is not changing the rule.

COMMENT: 9 CSR 30-3.120(5)(A)1. One commenter requested that the Department clarify the requirement to monitor blood alcohol concentration after admission. There was concern about additional cost and increased staff training.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and is rewording 9 CSR 30-3.120(5)(A)1. so that the language is permissive and not mandatory. As a result of the language change, the department is reversing the numerical order of paragraphs (5)(A)1. and (5)(A)2.

COMMENT: 9 CSR 30-3.120(5). Two commenters were concerned about the additional cost associated with the requirement of having two staff on duty at all times in residential settings.

RESPONSE: The requirement for two staff in residential settings is only intended to clarify the existing requirement that one staff be available in the detoxification program and one in the residential program, for a total of two staff available at all times in residential settings. This is not a change from existing standards. No change will be made in the rule.

COMMENT: 9 CSR 30-3.120(8). Two commenters were concerned about the ability of some providers to comply with the collection of outcome data on key performance indicators without additional funding.

RESPONSE: The Department recognizes the concerns of the commenter. However, current rules require existing quality systems in agencies. The key indicators listed under the rule are intended to be illustrative and agencies should consider existing measures and process being used in their own organization as the most efficient means of complying with these requirements. No change will be made in the rule.

9 CSR 30-3.120 Detoxification

(5) Safety and Supervision. All detoxification services shall be provided in a humane manner and shall ensure the safety and well-being of persons served.

(A) There shall be monitoring and assessment of the person's physical and emotional status during the detoxification process.

1. Vital signs shall be taken on a regular basis, with the frequency determined by client need based on a standardized assessment instrument.

2. Blood alcohol concentration may be monitored upon admission and thereafter as indicated. Further testing of urine or blood may be conducted by qualified personnel.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 30—Certification Standards

Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 30-3.130 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 739-741). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.130(2)(A)4. Four commenters indicated that the recovery maintenance level of service is not clearly distinguishable from supported recovery and questioned the need for a new level.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and is going to remove recovery maintenance as a level of care from paragraph (2)(A)4. In addition, the Department is removing references to "recovery maintenance" under paragraphs (2)(B)1., (2)(B)2., and (2)(B)3., of this rule. The Department is also rewording subparagraph (2)(C)1.A. to reflect the discontinuation of the recovery maintenance level of care. Finally, the Department is removing the entire section (7), which is a description of Recovery Maintenance and renumbering

the remaining sections accordingly. The Department will give further consideration to the Recovery Maintenance level of care and may reintroduce it in a revised form at a later date.

COMMENT: 9 CSR 30-3.130(2). Two commenters were concerned that the new rules concerning outpatient services would require contract amendments and changes in billing codes and reimbursement procedures.

RESPONSE: The Department recognizes the concerns associated with these issues but has included waivers for those services associated with increased costs to the provider. Billing issues and reimbursement mechanisms are not subject matter of the rule. No change will be made in the rule.

COMMENT: 9 CSR 30-3.130. As a general comment, one person suggested that conversion of all programs to Comprehensive Substance Treatment and Rehabilitation (CSTAR) would be preferable to meeting the service requirements of the new rules without the ability to bill Medicaid.

RESPONSE: These rules allow waiver of many of the new service requirements the commenter is referencing. In addition, conversion of programs to CSTAR with associated Medicaid participation raises issues in terms of available matching funds and issues related to federal definitions of Institutions for Mental Diseases (IMD) that limit Medicaid participation in some residential programs. No change will be made in the rule.

COMMENT: 9 CSR 30-3.130(2)(B). One commenter asked why an agency would be limited to the provision of only one of the levels of care under this rule.

RESPONSE: The Department does not agree with this interpretation. An agency may choose to be certified for all levels of care under this rule. No change will be made in the rule.

COMMENT: One commenter identified a conflict in 9 CSR 30-3.130(3)(A) and (B), asserting that it is inconsistent with a person-centered approach.

RESPONSE: The Department does not agree there is an inconsistency. The language permits client entry at the level appropriate to match client needs based on clinical and standardized assessment protocols. No change has been made in the language.

COMMENT: 9 CSR 30-3.130(4), (5), (6). One commenter raised concerns that the hours of service required for the different levels would be difficult to meet in outpatient programs. The commenter suggested that the unintended consequence might be overdelivery of individual and group therapy if leisure or other services are not included. The commenter suggests that conversion to CSTAR would be more appropriate.

RESPONSE: The Department disagrees with the interpretation. It is stated in 9 CSR 30-3.130(3), "the levels of care shall be used in a manner that provides individualized treatment options and offers service intensity in accordance with the needs, progress and outcomes of each person served." No change will be made in this rule.

COMMENT: 9 CSR 30-3.130(4)(C)1. The commenter is concerned that the 40-hour per week requirement associated with community-based primary treatment is too high a standard and is particularly challenging in rural areas where clients may travel some distance to the program site. The commenter also questions whether these requirements are contradictory to individualized treatment principles.

RESPONSE: The Department disagrees with this interpretation. It is stated in 9 CSR 30-3.130(3) that, "the levels of care shall be used in a manner that provides individualized treatment options and offers service intensity in accordance with the needs, progress and outcomes of each person served." There is no requirement for

all clients to participate in 40 hours of services per week, only that the services are available. No change will be made in this rule.

9 CSR 30-3.130 Outpatient Treatment

(2) Certified Levels of Care. Outpatient services shall be organized and certified according to levels of care. Each of the levels of care shall vary in the intensity and duration of services offered.

(A) The levels of care may include—

1. Community-based primary treatment. This level of care is the most structured, intensive, and short-term service delivery option with services offered on a frequent, almost daily basis;

2. Intensive outpatient rehabilitation. This level of care provides intermediate structure, intensity and duration of treatment and rehabilitation, with services offered on multiple occasions per week;

3. Supported recovery. This level of care provides treatment and rehabilitation on a regularly scheduled basis, with services offered on approximately a weekly basis unless other scheduling is clinically indicated.

(B) All outpatient services and levels of care offered by an organization shall be certified in accordance with this rule. An organization shall be certified as providing one of the following methods of outpatient service delivery:

1. Supported recovery;

2. Intensive outpatient rehabilitation and supported recovery; or

3. Community-based primary treatment, intensive outpatient rehabilitation and supported recovery.

(C) Outpatient services shall be provided in a coordinated manner responsive to each person's needs, progress and outcomes.

1. The organization shall ensure that individuals can access an appropriate level of care.

A. If all three (3) outpatient levels of care are not offered, the organization shall demonstrate that it effectively helps persons to access other levels of care that may be available in the local geographic area, as needed.

B. The organization must demonstrate that it effectively helps persons to access detoxification and residential treatment services, as needed.

2. An organization with multiple service sites shall not be required to offer its certified levels of care at every site, if it can demonstrate that an individual has reasonable access to its levels of care through coordinated service delivery.

3. A light meal shall be served at a site to those individuals who receive services for a period of more than four (4) consecutive hours. Additional meals shall be provided, if warranted by the program's hours of operation.

(6) Supported Recovery. This level of care offers treatment on a regularly scheduled basis, while allowing for a temporary increase in services to address a crisis, relapse, or imminent risk of relapse. Services should be offered on approximately a weekly basis, unless other scheduling is clinically indicated.

(A) Eligibility for supported recovery shall be based on—

1. Lack of need for structured or intensive treatment;

2. Presence of adequate resources to support oneself in the community;

3. Absence of crisis that cannot be resolved by community support services;

4. Willingness to participate in the program, keep appointments, participate in self-help, etc.;

5. Evidence of a desire to maintain a drug-free lifestyle;

6. Involvement in the community, such as family, church, employer, etc.; and

7. Presence of recovery supports in the family and/or community.

(B) Expected outcomes for supported recovery are to—

1. Maintain sobriety and minimize the risk of relapse;

2. Improve family and social relationships;

3. Promote vocational/educational functioning; and

4. Further develop recovery supports in the community.

(C) The program shall offer at least three (3) hours of service per week. Each person shall be expected to participate in any combination of services determined to be clinically necessary.

(7) Continued Services. The treatment episode or level of care shall be reviewed for the appropriateness of continued services if the person presents repeated relapse incidents, a pattern of non-compliance or poor attendance, threats or aggression toward staff or other clients, or failure to comply with basic program rules.

(8) Discharge Criteria. Each person's length of stay in outpatient services shall be individualized, based on the person's needs and progress in achieving treatment goals.

(A) An individual should be considered for successful completion and discharge from outpatient services upon—

1. Recognizing and understanding his/her substance abuse problem and its impacts;

2. Achieving a continuous period of sobriety;

3. Absence of immediate or recurring crisis that poses a substantial risk of relapse;

4. Stabilizing emotional problems, when applicable (for example, not experiencing serious psychiatric symptoms, taking psychotropic medication as prescribed, etc.);

5. Demonstrating independent living skills;

6. Implementing a relapse prevention plan; and

7. Developing family and/or social networks which support recovery and a continuing recovery plan.

(B) A person may be discharged from outpatient services before accomplishing these goals if—

1. Commitment to continuing services is not demonstrated by the client; or

2. No further progress is imminent or likely to occur.

(9) Performance Indicators. The program shall maintain performance indicators related to the goals and expected outcomes for its outpatient services.

(A) Performance indicators may include, but are not limited to, the following:

1. Consumer satisfaction with services;

2. Feedback from community agencies and referral sources;

3. Number of clients who successfully complete the treatment episode and/or levels of care;

4. Varying, individualized length of stay for successful completion;

5. Number of clients who drop out or are otherwise unsuccessfully discharged;

6. Number of readmissions or hospitalizations within thirty (30) days and other time periods;

7. Rate of involvement in community self-help groups;

8. Rate of participation by family members;

9. Periods of sobriety; and

10. Changes in the functioning of clients (such as Global Assessment of Functioning (GAF) score changes, stabilized living arrangements, emotional symptoms, legal status, family functioning, employment).

(B) Each program shall use performance indicators in its quality improvement process.

(C) The department may establish and require, at its option, the use of designated indicators in order to promote consistency and the wider applicability of this data. The required use of designated indicators shall be applicable only to those services funded by the department or provided through a service network authorized by the department.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.132 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 750-753). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT AND EXPLANATION OF CHANGE: Even though no specific comment was received the department has changed the term “methadone treatment” to “opioid treatment” in order to remain consistent with terminology in federal guidelines. This revision occurs as follows in the rule:

- the title of the rule;
- section (1);
- subsection (1)(C);
- section (2);
- paragraph (2)(B)1.;
- part (2)(B)2.A.(II);
- paragraph (4)(A)3.;
- subparagraph (4)(A)3.A.;
- subparagraph (4)(A)3.B.;
- subsection (4)(B);
- paragraph (4)(B)1.;
- subsection (5)(B)—two occurrences;
- paragraph (5)(B)1.;
- paragraph (5)(B)2.;
- subsection (5)(C);
- paragraph (5)(C)1.;
- subsection (5)(D);
- section (6);
- subsection (6)(B);
- subsection (8)(A);
- subsection (10)(A); and
- section (11).

COMMENT: 9 CSR 30-3.132. One commenter expressed concern that the implementation of proposed rules for substance abuse programs, including family therapy, would impact Methadone programs in a unique way.

RESPONSE: The Department understands the concern expressed in the comment and has waived those new requirements listed in 9 CSR 30-3.022 that involve additional expense to the provider. Since waiver requirements have already been included in the rule, the Department will not change the proposed amendment.

COMMENT AND EXPLANATION OF CHANGE: Even though no specific comment was received the department is revising subsection (8)(A) to make the rule more consistent with federal guidelines by limiting the take-home dosage of methadone to one dose each week.

COMMENT: 9 CSR 30-3.132(8)(E)1. One commenter recommended that take-home dosages during Phase 5 be limited to thirteen days.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees with this recommendation and will change paragraph (8)(E)1. to read, “During phase V, the program may issue 13-day take home doses at a time.”

COMMENT: 9 CSR 30-3.132(8)(E)2. One commenter suggested that this rule should mandate at least one hour of individual counseling during this phase.

RESPONSE: The Department believes that the amendment, as proposed, is appropriate and allows for greater flexibility. The Department will not change the proposed amendment.

COMMENT: 9 CSR 30-3.132(8)(E)3. One commenter suggested that the treatment plan be reviewed and updated every six months during Phase 5.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees with the suggestion and will change paragraph (8)(E)3. to read “The treatment plan shall be reviewed and updated at least every six (6) months during this phase.”

COMMENT: 9 CSR 30-3.132(8). One commenter suggested a new section be added—(8)(F) as follows: “Phase 6, for clients who have been admitted for more than five years and completed Phase 5.” The commenter also proposed one hour of individual counseling per month, 27-day take-home dosages, and updating of the treatment plan every six months during the proposed Phase 6.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees with the suggestion that a phase 6 is appropriate but notes that, in order to come closer to federal guidelines, phase 6 is applicable for clients after three years instead of five years as recommended in the comment.

COMMENT: 9 CSR 30-3.132(9)B. One commenter suggested rewording of this proposed amendment to include a provision regarding acts of violence that can result in transfer and discharge.

RESPONSE: The Department considers the proposed amendment to be adequate. Threats of violence or acts of bodily harm are considered infractions by the current definition and can result in discharge from the program. The Department will not change the proposed amendment.

COMMENT: 9 CSR 30-3.132(9). One commenter suggested that a new subsection be added to the proposed amendment regarding client relapses or failure to meet phase criteria.

RESPONSE: The Department agrees with the suggestion and will add (9)(C), “A client who either relapses or ceases to meet the progressive phase criteria for which they have been granted may, at the discretion of the Medical Director, be moved to a phase that the Medical Director determines is necessary to reestablish stability.”

COMMENT: 9 CSR 30-3.132(12)B. One commenter suggested a rewording of the rule regarding the frequency of collection of samples for drug screening, requesting that no minimum be established and screens would only be conducted based on client behavior.

RESPONSE: The Department disagrees that the wording needs to be changed. The Department will not change the proposed amendment.

COMMENT: 9 CSR 30-3.132. One commenter expressed concern that the waivers for new services were time-limited.

RESPONSE: The Department points out that under 9 CSR 30-3.022(1)(B)1., “The initial waiver period of one (1) year may be renewed or extended by the department annually thereafter.” No change will be made in the amendment.

COMMENT: 9 CSR 30-3.132(4)(A). One commenter suggested changing the wording of this rule so that family therapy could be provided or referred.

RESPONSE: Family Therapy is one of the services included in the waiver under 9 CSR 30-3.022(1)(A). No change will be made in the amendment.

9 CSR 30-3.132 Opioid Treatment Program

(1) Eligibility for Certification and Service Delivery. Prior to delivering opioid treatment services, an agency must apply for and receive provisional certification from the department.

(C) In order to be certified as an opioid treatment program, the program shall comply with applicable local, state and federal laws and regulations including those under the jurisdiction of the Food and Drug Administration and the Drug Enforcement Administration.

(2) Treatment Goals and Performance Outcomes. Opioid treatment services shall be organized to achieve key goals and performance outcomes.

(B) Performance outcomes related to these goals shall be measured in a consistent manner. Measures shall include, but are not limited to—

1. Increasing employment and productive activities. Clients should be involved in employment or other productive activities. For those persons who have been in opioid treatment for six (6) months or longer, seventy percent (70%) shall be working, attending job training or school, be a homemaker, or have a medically documented disability; and

2. Reducing or eliminating the use of illicit drugs. Random urine drug screening shall be used to measure the program's effectiveness in helping clients' progress toward this goal.

A. The following aggregate results shall be expected from random urine drug screening conducted each month—

(I) For all clients tested, seventy percent (70%) shall be free of all drugs; and

(II) For those clients tested who have been in opioid treatment for one (1) consecutive year or longer, eighty percent (80%) shall be free of opiates.

B. In calculating these performance outcomes, the following categories of clients may be exempted—

(I) Persons admitted to the program within the past ninety (90) days;

(II) Persons undergoing administrative withdrawal due to program infraction(s) or other circumstance; and

(III) Persons undergoing withdrawal against medical advice.

(4) Services. The program shall provide a range of treatment and rehabilitation services to address the therapeutic needs of persons served.

(A) Services shall include:

1. Individual counseling, group education, and counseling, family therapy, community support;

2. Medical evaluations; and

3. Use of methadone for medically supervised withdrawal from narcotics and for ongoing opioid treatment.

A. Medically supervised withdrawal means the dispensing of methadone in decreasing doses to an individual in order to alleviate adverse physiological or psychological effects incidental to withdrawal from the continuous or sustained use of narcotics and in order to bring the individual to a drug-free state within a one hundred eighty (180)-day time period.

B. Ongoing opioid treatment means the dispensing of methadone for more than one hundred eighty (180) days in the treatment of an individual for dependence on heroin or other morphine-like drug.

(B) While eventual withdrawal from the use of all drugs, including methadone, may be an appropriate treatment goal, some clients may remain in opioid treatment for relatively long periods of time.

1. Periodic consideration shall be given to withdrawing from continued opioid treatment, when appropriate to the individual's progress and goals.

2. Such consideration and decisions shall be determined by the client and the program staff as part of an individualized treatment planning process.

(5) Admission Criteria. The program shall provide treatment and rehabilitation, which includes the use of methadone, to those persons who demonstrate physiologic dependence to heroin and other morphine-like drugs. Priority for admission shall be given to women who are pregnant and to persons who are Human Immunodeficiency Virus (HIV) positive. Persons who are not residents of the state of Missouri shall comprise no more than twenty percent (20%) of the clients of the program.

(B) In order to qualify for initial admission to ongoing opioid treatment, the applicant must demonstrate physiologic dependence and continuous or episodic addiction for the one (1)-year period immediately prior to application for admission. Documentation must indicate clinical signs of dependence, past use patterns and treatment history, etc. The following exceptions may be made to the minimum admission requirements for opioid treatment:

1. The program may place a pregnant applicant on a methadone treatment regimen, regardless of age, if the applicant has had a documented dependency on heroin or other morphine-like drugs in the past and may be in direct jeopardy of returning to such dependency, with its attendant dangers during pregnancy. The applicant need not show evidence of current physiologic dependence if a program physician certifies the pregnancy and, in his/her reasonable clinical judgment, justifies opioid treatment;

2. For an applicant who is under the age of eighteen (18), the program shall document two (2) unsuccessful attempts at drug-free treatment prior to admission to ongoing opioid treatment. The program shall not admit any person under the age of sixteen (16) to a program without the prior approval of the Division of Alcohol and Drug Abuse; and

3. An applicant who has been residing in a correctional institution for one (1) month or longer may enroll in a program within fourteen (14) days before release or discharge or within six (6) months after release from such an institution without evidence of current physiologic dependence on narcotics provided that prior to institutionalization the client would have met the one (1)-year admission criteria.

(C) In order to qualify for readmission to opioid treatment, the applicant must demonstrate current physiologic dependence.

1. The program may waive this requirement if it documents prior opioid treatment of six (6) months or more and discharge within the past two (2) years.

2. At the discretion of its medical director, the program may require an applicant who has received administrative detoxification due to an infraction of program rules to wait a minimum of thirty (30) days prior to applying for readmission.

(D) The medical director may refuse the admission of an applicant and/or opioid treatment to a particular client if, in the reasonable clinical judgment of the medical director, the person would not benefit from such treatment. Prior to such a decision, appropriate staff should be consulted and the reason(s) for the decision must be documented by the medical director.

(6) Admission and Assessment Protocol. The opioid treatment program shall—

(B) Obtain the applicant's signature on a consent to treatment, ensuring that the client understands the risks and benefits of opioid treatment and the possibility of administrative detoxification for infractions of program rules;

(8) Phases of Treatment. The program shall utilize six (6) structured phases of treatment and rehabilitation to indicate client progress and to establish requirements regarding client attendance and service participation. The requirements listed below for each phase are minimum requirements and the frequency and extent of treatment and rehabilitation services shall be adjusted, based on individual client needs.

(A) Phase I consists of a minimum ninety (90)-day period in which the client attends the program for observation of opioid treatment daily or at least six (6) days a week. Take-home dosage is limited to a single dose each week.

1. During the initial ninety (90) days, the client shall participate in at least four (4) hours of counseling per month with at least two (2) of the hours being individual counseling.

2. During the initial ninety (90) days, the treatment plan shall be reviewed and updated on at least a monthly basis.

3. Prior to client moving to Phase II or receiving take-home medication, the client shall demonstrate a level of stability as evidenced by absence of alcohol and other drug abuse, regularity of program attendance, absence of significant behavior problems, absence of recent criminal activities, and employment, actively seeking employment or attending school if not retired, disabled, functioning as a homemaker, or otherwise economically stable.

(E) Phase V is designated for clients who voluntarily seek medically supervised withdrawal and abstinence from all drugs, including methadone as prescribed. A client may enter this phase at any time in the treatment and rehabilitation process.

1. During Phase V, the program may issue thirteen (13)-day take home doses at a time.

2. The counselor determines the frequency of counseling sessions with input from the client. At the onset of Phase V, the client may require an increased level of counseling and other support services.

3. The treatment plan shall be reviewed and updated at least every six (6) months during this phase.

(F) Phase VI is designated for clients who have been admitted more than three (3) years and who have successfully met progressive Phase V criteria.

1. During Phase VI, the program may issue twenty-seven (27)-day take home doses at a time.

2. The client shall participate in at least one (1) hour of counseling per month during this phase.

3. The treatment plan shall be reviewed and updated at least every six (6) months during this phase.

(9) Program Rules. In order to remain in the program and to successfully progress through the phases of treatment and rehabilitation, a client shall demonstrate progress and shall comply with program rules.

(C) A client who either relapses or ceases to meet the progressive phase criteria for which they have been granted may, at the discretion of the medical director, be moved to a phase that the medical director determines is necessary to reestablish stability.

(10) Safety and Health. The program shall establish and implement policies, procedures, and practices which ensure access to its services and which address the safety and health of its clients. The provider shall—

(A) Ensure continued opioid treatment in the event of emergency or natural disaster;

(11) Staff Training. All direct service and medical staff shall receive training relevant to service delivery in an opioid treatment setting. Each staff member shall participate in fourteen (14) clock hours of such training during a two (2)-year period.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 30—Certification Standards

Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.134 Compulsive Gambling Treatment is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 753-755). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.134(5)(B). One commenter suggested that family members be able to participate in services with, or without, the gambler.

RESPONSE: Family members are able to receive services, regardless of the participation of the gambler. The Department will not change the proposed rule.

COMMENT: 9 CSR 30-3.134(6). One commenter was concerned that 25 hours of service authorization was inadequate for effective treatment.

RESPONSE: Services are not limited to 25 hours. Additional services are available through clinical review, when justified. The Department will not change the proposed rule.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 30—Certification Standards

Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 30-3.140 Residential Treatment is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 741-742). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.140. One commenter expressed concern that without additional funding, new rules would be difficult to implement.

RESPONSE: The Department understands the concern expressed in the comment and has waived those new requirements listed in 9 CSR 30-3.022 which involve additional expense to the provider. The Department will not change the proposed rule.

COMMENT: 9 CSR 30-3.140(2)(D). One commenter is concerned that programs will be unable to transfer clients to a more intense level of care, (i.e., outpatient to residential) without the Department's approval.

RESPONSE: Current standards contain utilization review as a function of the Department. This proposed standard does not represent a change from current practice. The Department will not change the proposed rule.

COMMENT: 9 CSR 30-3.140(3)(A)1. Three commenters expressed concern that expanding the minimum number of staff on

duty to two at all times in residential settings would result in a substantial cost to the providers.

RESPONSE: The requirement for two staff in residential settings is only intended to clarify the existing requirement that one staff be available in the detoxification program and one in the residential program, for a total of two staff available at all times in residential settings. This is not a change from existing standards. No change will be made in the rule.

COMMENT: 9 CSR 30-3.140(4)(A). One commenter was concerned that requiring a minimum of 50 hours of structured therapeutic activities to be provided was not fiscally viable.

RESPONSE: The Department does not require the provision of 50 hours of structured therapeutic activities weekly, only that there should be a current schedule of program activities that offers a minimum of 50 hours weekly. Those activities may or may not be delivered, depending upon the needs of the client population. The Department will not change the proposed rule.

COMMENT: 9 CSR 30-3.140(6). One commenter listed Performance Indicators as a concern, but made no specific comments regarding the proposed rule.

RESPONSE: The Department will not change the proposed rule.

COMMENT: 9 CSR 30-3.140(4), (5), (6). One commenter is concerned about the prescriptive nature of these proposed rules and believes it re-introduces specific participation requirements for clients.

RESPONSE: The Department acknowledges that these rules require programs to offer a minimum number of hours at each specific level of service. The Department believes that this is necessary to ensure fidelity to the program model and quality and consistency across programs. Client participation may be individualized based upon client needs or circumstances. The Department will not change the proposed rule.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 30-3.150 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 742). Changes have been made in the text of the proposed rule, so they are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.150(1)(D). Four commenters indicated that the recovery maintenance level of service is not clearly distinguishable from supported recovery and questioned the need for a new level.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and is going to remove recovery maintenance as a level of service, therefore the Department is removing reference to recovery maintenance from this rule.

COMMENT: Seven comments objected to the core rule requirement in 9 CSR 10-7.030(5), Service Delivery Process and Documentation, requiring agencies to initiate follow-up activities within 48 hours after a client misses an appointment. Another

commenter requested clarification about whether 9 CSR 30-7.030(5) replaces the Comprehensive Substance Treatment and Rehabilitation (CSTAR) rule that required follow-up within 24 hours.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and 9 CSR 10-7.030(5) has been amended to allow provider discretion concerning follow-up activities. However, in order to maintain the fidelity of CSTAR programs, the wording contained in the core rule referenced above has been moved to 9 CSR 30-3.150 under a new section, (4).

9 CSR 30-3.150 Comprehensive Substance Abuse Treatment and Rehabilitation (CSTAR)

(1) Levels of Care. A CSTAR program shall provide the following levels of care on a nonresidential basis in accordance with the requirements for outpatient programs:

- (A) Primary treatment;
- (B) Intensive outpatient treatment; and
- (C) Supported recovery.

(4) Missed Appointments. If an individual fails to appear at a scheduled program activity, staff shall promptly initiate efforts to contact the person and maintain active program participation.

(A) Such efforts should be initiated within forty-eight (48) hours, unless circumstances indicate a more immediate contact should be made due to the person's symptoms and functioning or the nature of the scheduled service.

(B) Efforts to contact the person shall be documented in the individual's record.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 30-3.160 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 742-745). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: 9 CSR 30-3.160(2)(A), (B). During a review of the proposed rules the Department noted a typographical error, specifically that "and" should be changed to "or" at the end of section (A).

RESPONSE AND EXPLANATION OF CHANGE: The Department will make the necessary correction.

9 CSR 30-3.160 Institutional Corrections Treatment Programs

(2) Admission Criteria. The program shall provide treatment and rehabilitation for those persons who—

(A) Meet diagnostic criteria for a substance abuse or dependence as described in the current edition of the *Diagnostic and Statistical Manual* of the American Psychiatric Association; or

(B) Have been ordered by a court of jurisdiction or by the Board of Probation and Parole to participate in a substance abuse treatment program in an institutional setting under the auspices of the Department of Corrections.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 30-3.190 Specialized Program for Women and Children is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 745-746). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.190(8). One commenter questioned how the requirement for all staff to demonstrate expertise in addressing the needs of women and children would be measured. **RESPONSE:** The Department declines to be more specific on this issue in order to allow the agency some flexibility in their employment and training practices. No change has been made in response to this comment.

COMMENT: 9 CSR 30-3.190(9)(A). One commenter expressed concern that one full time Registered Nurse does not adequately serve the needs of 16 bed facilities for pre- and post-partum women. They also stated additional nursing requirements would need to have a fiscal note attached.

RESPONSE: The Department acknowledges the multiple physical needs of the individuals served in our programs. The nursing service is not intended to meet all the physical health care needs of the clients. The nurse must arrange for external health care by performing assessments, triage and referral. The Department agrees that additional nursing staff requirements would have a fiscal note attached. The dollars are not available at this time for additional staff requirements; therefore, no change will be made to this proposed rule.

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Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 30-3.192 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 746-747). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.192(5)(A). One commenter asked if staff other than the family therapist could complete a review of the adolescent's living arrangement and family situation.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees that the wording in this rule is not clear and has revised section (5) as follows: (5)(A) "This review shall be done by a family therapist." (5)(B) "Refusal by the family for an in-home assessment shall not constitute automatic denial of treatment

services for adolescents." The result is a revised subsection (A), a new subsection (B) and existing subsections (B), (C) and (D) were relettered as (C), (D), and (E).

COMMENT: 9 CSR 30-3.192(8)(B). One commenter asked if registered nurses could now complete history and physicals.

RESPONSE AND EXPLANATION OF CHANGE: 9 CSR 30-3.192(8)(B) states "In order to identify any medical needs that the adolescent may have, the program shall provide or arrange for a health evaluation by a registered nurse, advanced practice nurse, or physician." The Department understands that this statement could be misleading. Therefore, the rule has been rewritten to state that the program must provide or arrange for a history and physical examination performed by a physician licensed in Missouri or a nurse practitioner licensed and authorized to title and practice as an advanced practice nurse pursuant to 335.016, RSMo and who is engaged in a written collaborative practice arrangement as defined by law. Registered nurses may still conduct initial health screenings upon admission to a residential support setting, but this screening does not satisfy the requirement for a history and physical examination as defined above.

COMMENT: 9 CSR 30-3.192(11). Although no comment was received, the Department is changing the language of this section to reflect the limit of 16 beds in residential programs imposed by the federal Institutions for Mental Diseases (IMD) rule. This change is necessary now that all adolescent programs have been converted to the CSTAR model. Specifically, paragraph (11)(C) will open with, At a facility with thirteen through sixteen residents, and paragraph (D) will be eliminated.

COMMENT: 9 CSR 30-3.192(11)(E). One commenter requested clarification of the term "at all times" when used in reference to required supervision of adolescents.

RESPONSE AND EXPLANATION OF CHANGE: The Department notes that subsection (E) has been renumbered as (D) and will reword it as follows: "At a foster home funded by the department, a foster parent must provide or arrange for appropriate supervision of the adolescent(s) at all times."

9 CSR 30-3.192 Specialized Program for Adolescents

(5) Family Involvement. Each adolescent's living arrangement and family situation shall be reviewed by program staff in order to identify needs and to develop treatment goals and recovery supports for the adolescent and the family.

(A) This review shall be done by a family therapist.

(B) Refusal by the family for an in-home assessment shall not constitute automatic denial of treatment services for adolescents.

(C) The program shall actively involve family members in the treatment process, unless contraindicated for legal or clinical reasons which are documented in the client record.

(D) Staff shall orient the parent or legal guardian regarding—

1. Treatment philosophy and design;

2. Discipline and any behavioral management techniques used by the program;

3. Availability of staff to conduct home-based treatment and community support services;

4. Emergency medical procedures; and

5. Expectations about ongoing family participation.

(E) Staff shall seek family participation in treatment planning, service delivery and continuing recovery planning.

1. Services may include family participation in educational and counseling sessions.

2. Family participation in treatment planning shall be documented in the client record. In the event that the family does not participate, then staff shall document efforts to involve the family and reasons why the family did not participate.

(8) Safety and Health. The program shall maintain a safe, healthy environment which is responsive to the physical and medical needs of adolescents.

(B) The program must provide or arrange for a history and physical examination performed by a physician licensed in Missouri or a nurse practitioner licensed and authorized to title and practice as an advanced practice nurse pursuant to 335.016, RSMo and who is engaged in a written collaborative practice arrangement as defined by law. Registered nurses may still conduct initial health screenings upon admission to a residential support setting, but this screening does not satisfy the requirement for a history and physical examination as defined above.

(11) Staffing Patterns in a Residential Facility. The following minimum client to staff ratios shall be maintained at all times adolescents are present in a residential facility—

(C) At a facility with thirteen through sixteen (13–16) residents, three (3) staff members must be providing supervision of clients during program hours, with a required ratio of two (2) staff during designated client sleeping hours; and

(D) At a foster home funded by the department, a foster parent must provide or arrange for appropriate supervision of the adolescent(s) at all times.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.200 Research is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 747–748). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.201 Substance Abuse Traffic Offender Programs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 758–759). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.202 SATOP Administration and Service Documentation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 760–762). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.204 SATOP Personnel is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 762–763). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.204. One commenter expressed concern that the standards require an increase in qualifications for a staff member to provide educational activities for Clinical Intervention Program (CIP) and Youth Clinical Intervention Program (YCIP). RESPONSE: The Department disagrees that there is any change in staff qualifications for the provision of educational activities. The general qualification remains that anyone the agency deems qualified by training and/or experience to provide group education may deliver CIP and YCIP educational activities. No change will be made in the amendment.

COMMENT: 9 CSR 30-3.204. One commenter asked for clarification on the definition of “Qualified Professional.”

RESPONSE: “Qualified Substance Abuse Professional” (QSAP) has replaced “Qualified Professional” (QP) in all Substance Abuse Traffic Offender Program (SATOP) rules. QSAP is defined in 9 CSR 10-7.140(2)(QQ). No change will be made in the amendment as a result of this comment.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.206 SATOP Program Structure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 764-767). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.206(5). One commenter was concerned that there is no clear provision for referring a client to a less intense level of service than what is indicated by the Driver Risk Inventory (DRI).

RESPONSE: The Department disagrees. The rule states in 9 CSR 30-3.206(2) that the Qualified Substance Abuse Professional makes the final determination about the appropriate level of service using a variety of objective and subjective indicators. No change will be made in the amendment.

COMMENT: 9 CSR 30-3.206(5)(F). One commenter was concerned about potential costs associated with a mental health evaluation. If the client does not follow through, will the agency be responsible?

RESPONSE: The language of the rule is permissive and states that the client "should" have any mental health needs met prior to completing any Substance Abuse Traffic Offender Program (SATOP) recommendation. There is no suggestion that the provider would be financially responsible for mental health services outside the scope of the SATOP program. No change will be made in the amendment.

COMMENT: 9 CSR 30-3.206(9)(A). One commenter was concerned that successful completion of a traditional 30-day residential treatment program would not, in itself, satisfy the requirement of this amendment.

RESPONSE: The Department agrees. The new requirement is that a prior or persistent offender be engaged in treatment services (inpatient, residential, outpatient, or any combination) for at least 90 days. No change will be made in this amendment.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.208 SATOP Supplemental Fee is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 768). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
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ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.210 Clients' Records is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 748). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
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ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.220 Referral Procedures is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 748). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
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ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

**9 CSR 30-3.230 Required Educational Assessment and
Community Treatment Program is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 768-772). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: 9 CSR 30-3.230(23)(C). One commenter was unsure as to specific documentation required in the remittance of the Required Educational Assessment and Community Treatment (REACT) supplemental fee.

RESPONSE: There is no change in the requirement for remitting the supplemental fee. The language in the amendment is clear. The provider is to list the client name and Social Security number of persons paying each supplemental fee. No change will be made in this amendment.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.240 Medication is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 748). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.250 Dietary Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 748-749). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.300 Prevention Programs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 755-757). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: 9 CSR 30-3.300(5)(A), (B). One commenter expressed concern that some programs will not be able to employ staff that meet the requirements of this amendment.

RESPONSE: The Department notes that this is not a new requirement in prevention programs. However, the Department acknowledges the problems being encountered by some agencies in this area. The Department will review this issue, gather additional information, and revise the rule at a future time, if appropriate. Meanwhile, the Department will assist providers who may be out of compliance in developing action plans that will bring them into compliance. No change will be made in this amendment.

COMMENT: 9 CSR 30-3.300(9)(A)2. One commenter was concerned that this amendment would require the target population to include those individuals listed under paragraph 2.

RESPONSE: The Department disagrees that the amendment requires the target population to include the individuals listed under paragraph 2. The parties listed are for illustrative purposes only. The Department will not revise the amendment.

COMMENT: 9 CSR 30-3.300(9). One commenter suggested rewording of subsections (C) and (D) and inclusion of a new subsection (E). The commenter did not provide any rationale or justification for the suggested changes.

RESPONSE: The Department considered the comment but no changes will be made to the amendment.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.400 Social Setting Detoxification is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 749). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.410 Modified Medical Detoxification is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 749). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.420 Medical Detoxification Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 749). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.500 Residential Programs is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 749-750). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.510 Adolescent Program is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 750). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.600 Outpatient Programs is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 750). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.620 Information and Referral Program is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 755). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.621 Central Intake Program is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 755). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.710 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 759). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.720 Procedures to Obtain Certification is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 759-760). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.740 Environment is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 762). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.770 Client Records is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 767). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.780 Curriculum and Training is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 767-768). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.810 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 772). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.820 Procedures to Obtain Certification is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 772). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.830 Comprehensive Substance Treatment and Rehabilitation Program Description is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 772-773). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.840 Treatment and Rehabilitation Process is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 773). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.850 Service Provision is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 773). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.851 Specialized Program for Women and Children is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 773-774). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.852 Specialized Program for Adolescents is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 774). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.853 Adolescent Residential Support is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 774). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.860 Quality Assurance is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 774). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.870 Behavior Management is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 774-775). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.880 Client Records is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 775). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.890 Personnel, Staff Qualifications, Responsibilities and Training is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 775). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.900 Client Rights is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 775). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.910 Research is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 775-776). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

**9 CSR 30-3.920 Governing Authority and Program
Administration is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 776). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.930 Fiscal Management is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 776). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

**9 CSR 30-3.940 Environment, Safety and Sanitation is
rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 776). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.950 Accessibility is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 776-777). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.960 Dietary Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 777). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-3.970 Medication Management is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 777). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 777-778). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments have been received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.020 Procedures to Obtain Certification is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 778-780). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments have been received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 780-781). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the department is revising the amendment.

COMMENT AND EXPLANATION OF CHANGE: Even though no specific comment was received, the department has changed the title of service defined under 9 CSR 30-4.030(2)(AA) from Intensive Community Support to Intensive Community Psychiatric Rehabilitation in order to distinguish this service from a previous service no longer in use.

COMMENT: One commenter pointed out that the definitions for abuse and neglect in 9 CSR 30-4.030(2) are inconsistent with the definitions of the same terms in 9 CSR 10-5.200. The commenter suggests that the definitions be removed from the proposed amendment and that the amendment should make reference to 9 CSR 10-5.200 for these definitions.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees with this comment, and has revised the amendment as requested with respect to the definitions of physical abuse in subsection (JJ), sexual abuse in subsection (PP) and verbal abuse in subsection (RR). However the department does not have the option of referencing the definitions of Class I Neglect and Class II Neglect because these two definitions were not included in the proposed amendment. The department will revise the two definitions of neglect in a future proposed amendment.

COMMENT: One commenter suggested that the definition of a clinical social worker in 9 CSR 30-4.030(2)(HH)5. be changed in order to make the definition parallel to others defined under Mental Health Professional.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees with this comment, and has amended the language in 9 CSR 30-4.030(2)(HH)5. to reflect a clinical social worker licensed under Missouri law.

9 CSR 30-4.030 Certification Standards Definitions

(2) As used in 9 CSR 30-4.031-9 CSR 30-4.047, unless the context clearly indicates otherwise, the following terms shall mean:

(AA) Intensive Community Psychiatric Rehabilitation (CPR)—as defined in 9 CSR 30-4.043(2)(H);

(HH) Mental health professional—any of the following:

1. A physician licensed under Missouri law to practice medicine or osteopathy and with training in mental health services or one (1) year of experience, under supervision, in treating problems related to mental illness or specialized training;

2. A psychiatrist, a physician licensed under Missouri law who has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program identified as equivalent by the department;

3. A psychologist licensed under Missouri law to practice psychology with specialized training in mental health services;

4. A professional counselor licensed under Missouri law to practice counseling and with specialized training in mental health services;

5. A clinical social worker licensed under Missouri law with a master's degree in social work from an accredited program and with specialized training in mental health services;

6. A psychiatric nurse, a registered professional nurse licensed under Chapter 335, RSMo with at least two (2) years of experience in a psychiatric setting or a master's degree in psychiatric nursing;

7. An individual possessing a master's or doctorate degree in counseling and guidance, rehabilitation counseling and guidance, rehabilitation counseling, vocational counseling, psychology, pastoral counseling or family therapy or related field who has successfully completed a practicum or has one (1) year of experience under the supervision of a mental health professional;

8. An occupational therapist certified by the American Occupational Therapy Certification board, registered in Missouri, has a bachelor's degree and has completed a practicum in a psychiatric setting or has one (1) year of experience in a psychiatric setting, or has a master's degree and has completed either a practicum in a psychiatric setting or has one (1) year of experience in a psychiatric setting;

9. An advanced practice nurse—as set forth in section 335.011, RSMo, a nurse who has had education beyond the basic nursing education and is certified by a nationally recognized professional organization as having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing; and

10. A psychiatric pharmacist as defined in 9 CSR 30-4.030;
(JJ) Physical abuse—in accordance with 9 CSR 10-5.200;
(PP) Sexual abuse—in accordance with 9 CSR 10-5.200;
(RR) Verbal abuse—in accordance with 9 CSR 10-5.200.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

**9 CSR 30-4.031 Procedures to Obtain Certification for Centers
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 781-782). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments have been received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.032 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 783-784). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the department is revising the amendment.

COMMENT: Two commenters objected to the requirement in 9 CSR 30-4.032(2) that states the governing body must appoint the Community Psychiatric Rehabilitation (CPR) Director.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees with these comments, and has revised the amendment as requested.

9 CSR 30-4.032 Administration

(2) A CPR program director shall be appointed whose qualifications, authority and duties are defined in writing. The director shall have responsibility and authority for all operating elements of the CPR program, including all administrative and service delivery staff. If the CPR program director is not a qualified mental health professional as defined in 9 CSR 30-4.030, then the agency shall identify a clinical supervisor who is a qualified mental health professional who has responsibility for monitoring and supervising all clinical aspects of the program.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

**9 CSR 30-4.033 Fiscal Management of Community Psychiatric
Rehabilitation Programs is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 784-785). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments have been received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.034 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 785-787). Changes have been made in the text

of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: One commenter disagreed with the requirement in 9 CSR 30-4.034(3)(A) establishing the limit of caseload sizes in the rehabilitation level of care at 1:20, stating that high service needs in some areas of the state would result in persons being unserved if the caseload size limit is no more than 1:20.

RESPONSE: The Department does not agree with this comment, and believes that in order to effectively meet the needs of persons with serious mental illness, caseload sizes should not exceed 1:20 in the rehabilitation level of care. The Department declines to make any change in response to this comment.

COMMENT: Two commenters expressed concern with the maximum caseload size on an intensive community support team being fixed at 1:10, as required in 9 CSR 30-4.034(3)(E). One suggested that the caseload size be set at a range of 8–12 clients. The other was concerned that the language would require clients to be transferred to a different community support worker when they needed the intensive level of care, and suggested supervisors be utilized so clients could remain with their regular community support worker (CSW) during the time they were in the intensive level of care.

RESPONSE: The Department declines to make changes in response to these comments. The Department is still in the process of developing and implementing the intensive level of care in Community Psychiatric Rehabilitation (CPR). A low caseload size is considered essential to meeting the needs of persons in the intensive level of care, and no more than a 1:10 ratio is consistent with these types of programs nationally. The Department also disagrees that the language would require a client to be transferred to a new community support worker (CSW) upon entering the intensive level of care. The Department intends to implement a model for the intensive level of care that allows and encourages continuity of care with the current community support worker (CSW).

COMMENT AND EXPLANATION OF CHANGE: Even though no specific comment was received, the department has changed the title of service addressed under 9 CSR 30-4.034(3)(E) from Intensive Community Support to Intensive Community Psychiatric Rehabilitation in order to distinguish this service from a previous service no longer in use.

COMMENT: One commenter questioned the requirement in 9 CSR 30-4.034(5)(B) that states personnel policies and procedures shall include client abuse and neglect and procedures for investigating alleged violations. The commenter felt this was in conflict with the Department's statutory obligation to investigate all abuse and neglect complaints.

RESPONSE: The Department declines to make any changes in response to this comment. The requirement cited is not a new requirement, but has been part of the Community Psychiatric Rehabilitation (CPR) standards for a number of years. This language in the current rule does not require an agency to conduct their own investigation, but rather requires that policies and procedures address what client abuse and neglect is as defined by the Department, and address how the agency will be in compliance with Department requirements pertaining to allegations of abuse and neglect.

COMMENT: One person commenting on 9 CSR 30-4.034(10) suggested that the training requirements for Community Psychiatric Rehabilitation (CPR) staff not be increased by two (2) hours per year, and expressed concern that the thirty-six (36) hour training requirement every two (2) years did not match the twelve (12) hours per year requirement for training.

RESPONSE: The Department declines to make any changes in response to this comment. The requirement for thirty-six (36) hours of training every two (2) years is seen as consistent with preparing staff to effectively meet client needs. The requirement that at least twelve (12) hours of training occur each year assures that training will be spread out over the entire two-year period. The provider must assure at least twelve (12) hours of training occur each year and that at least thirty-six (36) hours of training occur every two (2) years.

9 CSR 30-4.034 Personnel and Staff Development

(3) The CPR provider shall ensure that an adequate number of appropriately qualified staff is available to support the functions of the program. The department shall prescribe caseload size and supervisory to staff ratios.

(E) For intensive community psychiatric rehabilitation, each team shall provide for a caseload size of no more than ten (10) clients to one (1) direct care staff member.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.035 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 787–789). Changes have been made in the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS:

COMMENT: Three persons commenting on 9 CSR 30-4.035(4) suggested that the Department specify the content for treatment plans, but not require that providers use the specific Individual Treatment Plan (ITP) form currently required.

RESPONSE: The Department does not agree with these comments, and declines to amend the language requiring use of a specific Department Individual Treatment Plan (ITP) form at this time. The Department will work together with providers to assess the need for standardized forms in light of upcoming federal requirements associated with Health Insurance Portability and Accountability Act of 1996 (HIPAA) guidelines.

COMMENT: Three persons commenting on 9 CSR 30-4.035(5) asked that all licensed mental health professionals, not just psychologists, be allowed to sign off on treatment plans in lieu of the physician in cases where the client is not receiving medications. One commenter asked for the same thing for anyone meeting the Department's Qualified Mental Health Professional (QMHP) definition, which includes unlicensed professionals also.

RESPONSE: The Department disagrees with the comments regarding licensed professionals and unlicensed professionals being allowed to sign the treatment plan in lieu of the physician, and declines to make changes in the rule. In the past the Department has made several exceptions to physicians signing treatment plans. The Department believes any further exceptions will be inconsistent with the physician driven nature of the program and the expectations of state and federal Medicaid agencies.

COMMENT: Commenting on the same section, one person stated that the Council for Accreditation of Rehabilitation Facilities (CARF) treatment plan requirements overlapped Department of Mental Health (DMH) treatment plan requirements, and asked to have these requirements deemed for agencies having Council for Accreditation of Rehabilitation Facilities (CARF) accreditation.

RESPONSE: The Department has established deeming policies and practices in 9 CSR 10-7.130. The Department disagrees that requirements in this rule are entirely addressed by Council for Accreditation of Rehabilitation Facilities (CARF) standards and has chosen not to revise this rule.

COMMENT AND EXPLANATION OF CHANGE: Even though no specific comment was received, the department has changed the title of service referenced under 9 CSR 30-4.035(7) from Intensive Community Support to Intensive Community Psychiatric Rehabilitation in order to distinguish this service from a previous service no longer in use.

COMMENT: Commenting on 9 CSR 30-4.035(11), two persons asked that treatment plans not be required to be rewritten on an annual basis. They suggested reviewing and updating treatment plans every 90 days was sufficient.

RESPONSE: The Department declines to make changes based on these comments. Treatment planning is a critical process in the delivery of services to persons with mental illness. The Department feels strongly that providers should be constantly evaluating, and changing as necessary, treatment plans to reflect changing needs and responses to treatment. The Department believes that re-writing a new treatment plan annually promotes treatment teams taking a fresh look at persons with mental illness and encourages providers to make the treatment plan a working document reflecting current needs of the individual.

COMMENT AND EXPLANATION OF CHANGE: Even though no specific comment was received the department noted an typographical error in the proposed amendment under 9 CSR 30-4.035(15). This section makes reference to 9 CSR 10-7.030(6). The reference to section (6) is in error; it should be section (9). The department has revised the proposed amendment accordingly.

COMMENT: Commenting on the same section, two persons suggested that annual evaluations not be required, and that regular updates are more practical.

RESPONSE: The Department does not agree that annual evaluations should not be required in the Comprehensive Psychiatric Rehabilitation (CPR) program. This has been a fundamental requirement in this program since it was implemented, and assures that the most seriously ill individuals served in the program are assessed on a regular basis to review ongoing need and benefit from the program, establish continued eligibility for the program, and to guide service delivery to focus on changing needs. The Department declines to make changes based on these comments.

COMMENT: One commenter suggested that 9 CSR 30-4.035(18) be amended to limit recoupment to one unit of service when the treatment plan does not meet all requirements, stating that recouping all services for a documentation error was excessive.

RESPONSE: The Department declines to make any changes to this standard based on these comments. 9 CSR 30-4.035(18) states that all or part of payments are subject to recoupment when the services were not delivered under the direction of a treatment plan meeting minimum Department requirements. The standard does not mandate that payment for all services be recouped in such circumstances, but leaves the Department with some discretion as to the amount to recoup. It is the intent of the Department in this standard to establish the authority to recoup payments when a fundamental requirement of the service is not met. The Department intends to use discretion when determining the exact amount of recoupment, based on the particular deficiency.

9 CSR 30-4.035 Client Records of a Community Psychiatric Rehabilitation Program

(7) The treatment plan, goals and objectives shall be completed within thirty (30) days of the client's admission to services. For clients admitted to the intensive level of community psychiatric rehabilitation, the treatment plan shall be developed upon admission to that level of care.

(15) CPR program staff shall prepare and enter a discharge summary in the client's record when the client has been discharged from the CPR program. This discharge summary shall meet all requirements in 9 CSR 10-7.030(9).

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-4.036 Research by a Community Psychiatric Rehabilitation Program is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 789-790). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments have been received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-4.037 Client Environment in a Community Psychiatric Rehabilitation Program is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 790). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.038 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 790-791). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received and the department is revising the amendment.

COMMENT: One commenter recommended amending the language in 9 CSR 30-4.038(2) to clarify that a client has a right to have the treatment plan explained orally and to be given a copy of the treatment plan, but not to have the plan explained in writing.

RESPONSE: The Department agrees with this comment and has amended the language in 9 CSR 30-4.038(2) accordingly.

9 CSR 30-4.038 Client Rights for Community Psychiatric Rehabilitation Programs

(2) The client shall have the right to have the treatment plan explained orally and to be given a copy of the treatment plan.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.039 Service Provision is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 791). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments have been received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.040 Quality Assurance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 791-792). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received but the department is not revising the amendment.

COMMENT: One commenter stated that additional resources would need to be given to administrative agents in order to comply with the requirement in 9 CSR 30-4.040(2) that Community Psychiatric Rehabilitation (CPR) programs monitor compliance of affiliate programs and subcontractors with applicable program standards.

RESPONSE: The Department does not agree with this comment. This section continues requirements that have been in the standards for many years that hold the certified Community Psychiatric Rehabilitation (CPR) provider agency responsible for assuring compliance with program standards for any affiliates and subcontractors who deliver services that are billed by the Community Psychiatric Rehabilitation (CPR) provider and paid directly to the provider agency. The Department declines to make changes based on this comment.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.041 Medication Procedures at Community Psychiatric Rehabilitation Programs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 792-793). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments have been received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
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Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.043 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 793-795). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the department is revising the amendment.

COMMENT: As a general comment, two persons stated the proposed rule did not include several issues they had hoped to see, including expanding the service menu to add individual, group, and family therapy, and an intensive Psychosocial Rehabilitation Program (PSR) service for children that would allow Families First and Day Treatment to be integrated into the Comprehensive Psychiatric Rehabilitation (CPR) program.

RESPONSE: The Department is continuing to evaluate the clinical and financial implications of adding new services to the

Comprehensive Psychiatric Rehabilitation (CPR) program, and reserves the right to propose further rule changes at a later date.

COMMENT: One commenter recommended the Department amend several sections of 9 CSR 30-4.043(2)(H) to reflect language more inclusive of children and youth with severe emotional disorders.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has reworded the entire subsection to include the details in a single paragraph in 9 CSR 30-4.043(2)(H).

COMMENT AND EXPLANATION OF CHANGE: Even though no specific comment was received, the department has changed the title of service defined under 9 CSR 30-4.043(2)(H) from Intensive Community Support to Intensive Community Psychiatric Rehabilitation in order to distinguish this service from a previous service no longer in use.

9 CSR 30-4.043 Treatment Provided by Community Psychiatric Rehabilitation Programs

(2) The CPR provider shall provide the following community psychiatric rehabilitation services to eligible clients, as prescribed by individualized treatment plans:

(H) Intensive Community Psychiatric Rehabilitation (CPR) is a level of support designed to help consumers who are experiencing an acute psychiatric condition, alleviating or eliminating the need to admit them into a psychiatric inpatient or residential setting. It is a comprehensive, time-limited, community-based service delivered to consumers who are exhibiting symptoms that interfere with individual/family life in a highly disabling manner. Intensive CPR is provided by treatment teams delivering services that will maintain the consumer within the family and significant support systems and assist consumers in meeting basic living needs and age appropriate developmental needs. This level of CPR is intended for consumers who have extended or repeated hospitalizations, crisis episodes, or who are at imminent risk of being removed from their home or current living situation to a more restrictive living situation, or who require assistance in transitioning from a highly restrictive setting to a community-based alternative, including specifically persons being discharged from inpatient psychiatric settings who require assertive outreach and engagement. A treatment team comprised of individuals required to provide the specific services identified on the Individualized Treatment Plan (ITP), delivers this level of service to consumers with serious mental illness and serious emotional disturbance who meet CPRP eligibility criteria.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-4.044 Behavior Management is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 795). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-4.100 Governing Authority is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 795). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-4.110 Client Rights is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 795-796). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-4.120 Environment is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 796). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
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Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-4.130 Fiscal Management is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 796). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
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ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-4.140 Personnel is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 796). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
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Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-4.150 Research is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 796-797). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.160 Client Records is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 797-798). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the department is not revising the proposed amendment.

COMMENT: Two persons commenting on 9 CSR 30-4.160(3) asked that treatment plans not be required to be rewritten on an annual basis. They suggested reviewing and updating treatment plans every 90 days was sufficient.

RESPONSE: The Department declines to make changes based on these comments. Treatment planning is a critical process in the delivery of services to persons with mental illness. The Department feels strongly that providers should be constantly evaluating, and changing as necessary, treatment plans to reflect changing needs and responses to treatment. The Department believes that rewriting a new treatment plan annually promotes treatment teams taking a fresh look at persons with mental illness and encourages providers to make the treatment plan a working document reflecting current needs of the individual.

COMMENT: Three persons commenting on 9 CSR 30-4.160(7) stated it was excessive to recoup all services for a documentation error on a treatment plan. One of these commenters suggested limiting recoupment to one unit of service in these circumstances.

RESPONSE: The Department declines to make any changes to this standard based on these comments. 9 CSR 30-4.160(7) states that all or part of payments are subject to recoupment when the services were not delivered under the direction of a treatment plan meeting minimum Department requirements. The standard does not mandate that all services be recouped in such circumstances, but leaves the Department with some discretion as to the amount to recoup. It is the intent of the Department in this standard to establish the authority to recoup payments when a fundamental requirement of the service is not met. The Department intends to use discretion when determining the exact amount of recoupment, based on the particular deficiency.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-4.170 Referral Procedures is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26

MoReg 798). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director rescinds a rule as follows:

9 CSR 30-4.180 Medication is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 798). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.190 Treatment is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 798-799). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments have been received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-2.210 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 507-517). Those sections with changes

are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments from three sources; Safety-Kleen Corporation, the U.S. Environmental Protection Agency (EPA) and the Missouri Air Conservation Commission (MACC). The comments focused on support of the amendment, language clarity, language addition, changes and fiscal note corrections.

COMMENT: Safety-Kleen commented that they support the concept of moving towards lower volatility materials in cold cleaning degreasing operations and phase-in rule compliance similar to what was adopted by Maryland, Illinois and most recently, the St. Louis Metropolitan Area.

RESPONSE: The department's Air Pollution Control Program appreciates Safety-Kleen's support of this amendment. No changes were made as a result of this comment.

COMMENT: Safety-Kleen requested that the intent of the exemption in part (3)(B)1.C.(X) be clarified as to whether all equipment that is used to clean spray guns is exempt or just units that use up to a five-gallon container. If the intent is to limit the exemption to units that use up to a five-gallon container, Safety-Kleen recommends changing the exemption language to allow containers that do not exceed sixteen gallons in size when kept tightly covered. Sixteen-gallon containers are used currently in remote reservoir configurations and the amount of volatile organic compound (VOC) emissions being produced is not dependent on the size of solvent container.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program's intention is to exempt small quantity solvent use and control large quantity solvent use. The exemption was written for spray gun cleaners using five-gallon containers based on technical discussions with Safety-Kleen during the development of the proposed rule amendment. It was not known that sixteen-gallon containers were also being used. No technical data was provided for spray gun cleaners using sixteen-gallon containers. Therefore, the department's Air Pollution Control Program has retained the five-gallon limitation. However, the exemption language has been changed to clarify the intent of part (3)(B)1.C.(X).

COMMENT: The EPA commented that the exemption in part (3)(B)1.C.(I) should be changed to less than five gallons since smaller quantity containers are available and this change would result in control of more VOC emissions.

RESPONSE: The five gallon exemption is included to exempt small quantity users of cold cleaning solvents. The department's APCP believes that this exemption level is appropriate to avoid regulating extremely small sources of VOC emissions from cold cleaning operations. Therefore, no changes were made as a result of this comment.

COMMENT: The EPA recommends that the term—optical device—in the exemption in part (3)(B)1.C.(VII) be defined in section (2) similar to the definition for—medical device.

RESPONSE: The department's Air Pollution Control Program agrees with this comment but research did not result in finding an appropriate definition. After further discussion with the EPA, it was decided that no change would be made to the rule language at this time.

COMMENT: The EPA commented that the initial and final compliance dates are not the beginning of the ozone season. They recommended changing the compliance dates to coincide with the beginning of the ozone season.

RESPONSE: The department's Air Pollution Control Program must allow sufficient time for the affected facilities and sources to comply with the rule. To allow sufficient compliance time, no changes were made as a result of this comment.

COMMENT: The EPA recommended that subsection (4)(A) include a provision to allow the director to require additional record keeping, if necessary, to adequately demonstrate compliance. Adding this provision would make the requirements of this rule similar to the St. Louis rule requirements.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the department's Air Pollution Control Program has added the recommended language to subsection (4)(A). At the same time, it was noticed that there was duplication of language in subsections (4)(A) and (4)(E) concerning records that shall be made available to the director upon request and the duplicate language in subsection (4)(A) has been removed.

COMMENT: The Missouri Air Conservation Commission questioned the Private Entity Fiscal Note calculations based on the tons reduction per day figures and requested a Private Fiscal Note check be performed and any necessary revisions made.

RESPONSE AND EXPLANATION OF CHANGE: The department's APCP examined the Private Entity Fiscal Note as requested and discovered an error in the calculation. Total VOC emissions were used to calculate the total cost in the original Private Entity Fiscal Note. Estimated VOC emissions reductions should have been used instead. The result is a lowered Private Entity Fiscal Note. The Private Entity Fiscal Note has been revised to incorporate the correct calculations and costs.

COMMENT: The proposed rulemaking publication in the March 1, 2001 *Missouri Register* was missing a line of text from the public entity fiscal note that was filed.

RESPONSE AND EXPLANATION OF CHANGE: As a result, the complete public entity fiscal note that was filed with the proposed rulemaking is being re-run with the order of rulemaking.

10 CSR 10-2.210 Control of Emissions From Solvent Metal Cleaning

(3) General Provisions.

(B) Equipment Specifications.

1. Cold cleaners.

A. After August 30, 2002—

(I) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 2.0 millimeters of Mercury (mmHg) (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 2.0 mmHg (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within Clay, Jackson and Platte Counties unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within Clay, Jackson and Platte Counties.

B. After August 30, 2003—

(I) No owner or operator shall operate or allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within Clay, Jackson and Platte Counties unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within Clay, Jackson and Platte Counties.

C. Exemptions.

(I) Sales of cold cleaning solvents in quantities of five (5) gallons or less shall be exempt from the requirements of parts (3)(B)1.A.(II), (3)(B)1.A.(IV), (3)(B)1.B.(II) and (3)(B)1.B.(IV) of this rule.

(II) The cleaning of electronic components shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(III) Solvent cleaning operations which meet the emission control requirements of 10 CSR 10-2.230, 10 CSR 10-2.290 and 10 CSR 10-2.340 shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(IV) Cold cleaners using aqueous solvents shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(V) Cold cleaners using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(VI) Any cold cleaner with a liquid surface area of one (1) square foot or less or a maximum capacity of one (1) gallon or less shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VII) The cleaning of medical and optical devices shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VIII) Air-tight or airless cleaning systems shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule if the following requirements are met.

(a) The equipment is operated in accordance with the manufacturer's specifications and operated with a door or other pressure sealing apparatus that is in place during all cleaning and drying cycles.

(b) All waste solvents are stored in properly identified and sealed containers, and managed in compliance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 25, as applicable. All associated pressure relief devices shall not allow liquid solvents to drain out.

(c) Spills during solvent transfer shall be wiped up immediately or managed in compliance with the Missouri Hazardous Waste Commission rules codified at 10 CSR 25, as applicable, and the used wipe rags shall be stored in closed containers.

(d) A differential pressure gauge shall be installed to indicate the sealed chamber pressure.

(IX) Janitorial and institutional cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(X) Paint spray gun and nozzle cleaning machines with the exception of remote open top spray gun cleaning machines shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Paint spray guns and nozzles only may be cleaned in solvent-based materials capable of stripping hardened paint, provided the solvent reservoir (not to exceed five (5) gallons in size) is kept tightly covered at all times except when being accessed. All remote paint spray gun cleaning machines shall be operated within the manufacturers' specifications. All remote closed top spray gun cleaning machines shall not be operated unless the cover is closed and shall be closed or covered when not in use.

D. An owner or operator of a cold cleaner may use an alternate method for reducing cold cleaning emissions if the owner or operator shows the level of emission control is equivalent to or greater than the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule. This alternate method must be approved by the director.

E. Each cold cleaner shall have a cover which will prevent the escape of solvent vapors from the solvent bath while in the closed position or an enclosed reservoir which will limit the escape of solvent vapors from the solvent bath whenever parts are not being processed in the cleaner.

F. When one (1) or more of the following conditions exist, the design of the cover shall be such that it can be easily operated with one (1) hand such that minimal disturbing of the solvent vapors in the tank occurs. (For covers larger than ten (10) square feet, this shall be accomplished by either mechanical assistance such as spring loading or counterweighting or by power systems):

(I) The solvent volatility is greater than 0.3 psi measured at one hundred degrees Fahrenheit (100°F), such as in mineral spirits;

(II) The solvent is agitated; or

(III) The solvent is heated.

G. Each cold cleaner shall have a drainage facility which will be internal so that parts are enclosed under the cover while draining.

H. If an internal drainage facility cannot fit into the cleaning system and the solvent volatility is less than 0.6 psi measured at one hundred degrees Fahrenheit (100°F), then the cold cleaner shall have an external drainage facility which provides for the solvent to drain back into the solvent bath.

I. Solvent sprays, if used, shall be a solid fluid stream (not a fine, atomized or shower-type spray) and at a pressure which does not cause splashing above or beyond the freeboard.

J. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

K. Any cold cleaner which uses a solvent that has a solvent volatility greater than 0.6 psi measured at one hundred degrees Fahrenheit (100°F) or heated above one hundred twenty degrees Fahrenheit (120°F) must use one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) Water cover (solvent must be insoluble in and heavier than water); or

(III) Other control systems with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%). These control systems must receive approval from the director prior to their use.

(4) Reporting and Record Keeping.

(A) The owner or operator of a solvent metal cleaning or degreasing operation shall keep monthly inventory records of solvent types and amounts purchased and solvent consumption. These records shall include all types and amounts of solvent containing

waste material transferred to either a contract reclamation service or to a disposal facility and all amounts distilled on the premises. The records also shall include maintenance and repair logs for both the degreaser and any associated control equipment. The director may require additional record keeping if necessary to adequately demonstrate compliance with this rule.

REVISED PRIVATE COST: This proposed amendment will cost \$595,255 in FY2003 and \$1,354,320 in FY2004. For the years after FY2004, the total annualized aggregate cost is \$2,001,442 for the life of the rule. Note attached fiscal note for assumptions that apply.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 10- Department of Natural Resources

Division: 10- Air Conservation Commission

Chapter: 2- Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10-2.210 Control of Emissions From Solvent Metal Cleaning

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources, Kansas City Regional Office	\$1,167,098
Kansas City Department of Health, Air Pollution Control Section	\$1,167,098

Note: These aggregate costs are based on an estimated 30-year life of the rule.

III. WORKSHEET

The public entity costs are based on two additional full-time employees (FTE) required to complete inspections of both suppliers and users of cold cleaning solvents. One FTE will be located at the Missouri Department of Natural Resources' Kansas City Regional Office (KCRO) and one FTE will be located at the Kansas City Department of Health, Air Pollution Control Section.

Fiscal year 2003 salaries are for Environmental Specialist I (ES I) positions. After one year of service, positions are upgraded to Environmental Specialist II (ES II).

First Fiscal Year (2003)

Monthly Salary for ES I: \$2,097

Annual salary for ES I: \$25,163

Fringe benefits: 26.4% of annual salary, or \$6,643

One time costs for office furniture, supplies, computers, etc.: \$11,874

Rule will be effective for only last ten months of fiscal year 2003:

Annual salaries: $(\$25,163) \times (2 \text{ FTE}) \times (0.833) = \$41,922$

Annual fringe: $(\$6,643) \times (2 \text{ FTE}) \times (0.833) = \$11,067$

Fiscal year 2004

First two months of fiscal year 2004 will have ES I position. Last ten months of fiscal year 2004 will have ES II position. Additional increase in salary will be two steps on the pay grid plus one percent cost of living increase.

Monthly salary for ES I: \$2,139

Monthly salary for ES II: \$2,595
 Fringe for ES I: \$1,129 (2 months)
 Fringe for ES II: \$6,850 (10 months)

Annual salary: $[(\$2,139/\text{month}) \times (2 \text{ months}) \times (2 \text{ FTE})] + [(\$2,595/\text{month}) \times (10 \text{ months}) \times (2 \text{ FTE})] = \$60,447$

Annual fringe: $[(\$1,129) \times (2 \text{ FTE})] + [(\$6,850) \times (2 \text{ FTE})] = \$15,958$

Fiscal Year 2005

Monthly salary for ES II: \$2,646
 Annual fringe for ES II: \$8,384

Annual salary: $(\$2,646/\text{month}) \times (12 \text{ months}) \times (2 \text{ FTE}) = \$63,516$

Annual fringe: $(\$8,384) \times (2 \text{ FTE}) = \$16,768$

<u>Affected Entity</u>	<u>Fiscal Year 2003</u>	<u>Fiscal Year 2004</u>	<u>Fiscal year 2005</u>
Missouri Department of Natural Resources, KCRO			
-Salary	\$20,961	\$30,224	\$31,758
-Fringe (26.4%)	\$ 5,534	\$ 7,979	\$ 8,384
-One-time expenses*	\$11,874	\$ 0	\$ 0
Subtotal	\$38,369	\$38,203	\$40,142
Kansas City Department of Health	\$38,369	\$38,203	\$40,142
Total	\$76,738	\$76,406	\$80,284

* One time office expenses include office furniture, supplies, computers, etc.

The total annualized aggregate cost is \$80,284 for the life of the rule after fiscal year 2005.

IV. ASSUMPTIONS

1. Expansion positions are assumed to be entry level positions starting at the base fiscal year 2000 pay scale. Fiscal years beyond fiscal year 2000 were escalated based on a one percent cost of living increase.
2. Inspections are expected to occur at the cold cleaning suppliers and the emission sources. Suppliers and large industrial sources will be inspected once per year. Other sources will be inspected as frequently as possible given the large number of service and maintenance oriented sources.
3. One-time expenses include office furniture, supplies, computers, etc. and is the fiscal year 2000 one-time expense.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10- Department of Natural Resources

Division: 10- Air Conservation Commission

Chapter: 2- Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10-2.210 Control of Emissions From Solvent Metal Cleaning

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 1600 area sources	Maintenance operations, service operations, solvent suppliers	\$44,070,077
Industrial sources consisting of 13 point sources	Manufacturers	\$12,094,638

Note: These aggregate costs are based on an estimated 30-year life of the rule

III. WORKSHEET

The control of emissions from solvent metal cleaning will cost approximately \$810 per ton of controlled volatile organic compound (VOC) emission. The base year for this cost is 1998.

Point Sources

Total annual VOC emissions for the Kansas City Metropolitan Area from 13 point sources of cold cleaning based on 1998 emissions data are 521.47 tons.

First year of impact is fiscal year 2003.

Costs for the first year of impact are based on the 1998 cost increased by 2% per year.

Fiscal year 2003 emissions control cost per ton is $\$810 \times (1.02)^5 = \894 per ton

Fiscal year 2003 emissions are 521.47 tons

During first year of impact in the Kansas City Metropolitan Area, the rule will be effective only last ten months (10/12) of fiscal year 2003 and will reduce emissions by thirty-three percent (33%).

Fiscal year 2003 emission reductions are $521.47 \text{ tons} \times .33 = 172 \text{ tons}$

For fiscal year 2003, costs will be $\$894/\text{ton} \times 172 \text{ tons} \times (10/12) = \$128,140$

Second year of impact is fiscal year 2004.

During second fiscal year of impact, the rule will further reduce emissions by an additional thirty-three percent (33%) for a total emissions reduction of sixty-seven percent (67%) from the base year and costs will increase by 2%.

Fiscal year 2004 control cost per ton is $\$894/\text{ton} \times 1.02 = \912 per ton

Fiscal year 2004 emission reductions are $[(521.47 \times .33 \times (2/12))] + [(521.47 \times .67 \times (10/12))] = 320$ tons

For fiscal year 2004, costs will be $\$912/\text{ton} \times 320 \text{ tons} = \$291,840$

Third year of impact is fiscal year 2005.

During third fiscal year of impact, the rule will remain at 67% emissions reduction and the costs will increase by 2%.

Fiscal year 2005 control cost per ton is $\$912/\text{ton} \times 1.02 = \930 per ton

Fiscal year 2005 emission reductions are $521.47 \text{ tons} \times .67 = 349$ tons

For fiscal year 2005, costs will be $\$930/\text{ton} \times 349 \text{ tons} = \$324,570$

Area Sources

Total 1999 daily VOC emissions from area sources located in the Kansas City Metropolitan Area are estimated to be 12,177 pounds per day based on the 1999 Base Year Emissions Inventory for the Kansas City Metropolitan Area ozone nonattainment area.

Total annual emissions from these sources are (sources are assumed to operate six days per week and fifty two weeks per year):

$(6.09 \text{ tons/day}) \times (6 \text{ days/week}) \times (52 \text{ weeks/year}) = 1,900.1 \text{ tons of VOC/year}$

First year of impact is fiscal year 2003.

Costs for the first year of impact are based on the 1998 cost increased by 2% per year.

Fiscal year 2003 emissions control cost per ton is $\$810 \times (1.02)^5 = \894 per ton

Fiscal year 2003 emissions are 1,900.1 tons

During first year of impact in the Kansas City Metropolitan Area, the rule will be effective only last ten months (10/12) of fiscal year 2003 and will reduce emissions by thirty-three percent (33%).

Fiscal year 2003 emissions reductions are $1,900.1 \text{ tons} \times .33 = 627$ tons

For fiscal year 2003, costs will be $\$894/\text{ton} \times 627 \text{ tons} \times (10/12) = \$467,115$

Second year of impact is fiscal year 2004.

During second fiscal year of impact, the rule will further reduce emissions by an additional thirty-three percent (33%) for a total emissions reduction of sixty-seven percent (67%) from the base year and costs will increase by 2%.

Fiscal year 2004 control cost per ton is $\$894/\text{ton} \times 1.02 = \912 per ton

Fiscal year 2004 emission reductions are $[1,900.1 \times .33 \times (2/12)] + [1,900.1 \times .67 \times (10/12)] = 1,165$ tons

For fiscal year 2004, costs will be $\$912/\text{ton} \times 1,165 \text{ tons} = \$1,062,480$

Third year of impact is fiscal year 2005.

During third fiscal year of impact, the rule will remain at 67% emissions reduction and the costs will increase by 2%.

Fiscal year 2005 control cost per ton is $\$912/\text{ton} \times 1.02 = \930 per ton

Fiscal year 2005 emission reductions are $1,900.1 \times .67 = 1,273 \text{ tons}$

For fiscal year 2005, costs will be $\$930/\text{ton} \times 1,273 \text{ tons} = \$1,183,890$

Summary of Aggregate Annual Costs

<u>Affected Category</u>	<u>Fiscal Year 2003</u> (10 Months)	<u>Fiscal Year 2004</u>	<u>Fiscal Year 2005</u>
Kansas City Metropolitan Area Point Sources	\$128,140	\$291,840	\$324,570
<u>Area Sources</u>	<u>\$467,115</u>	<u>\$1,062,480</u>	<u>\$1,183,890</u>
Total	\$595,255	\$1,354,320	\$1,508,460

For the years after fiscal year 2005, the annualized aggregate cost is approximately \$2,001,442 for the life of the rule.

IV. ASSUMPTIONS

1. The cost figure of \$810 per ton of VOC reduced from cold cleaning operations is a conservative estimate based on studies done in other states. This cost figure represents the high end of the spectrum of possible costs. Costs are the result of additional training for personnel operating cold cleaners and a slight increase in the cost per unit for lower vapor pressure cold cleaning solvents. Additionally, cost savings from the increased life span of the low vapor pressure cold cleaning solvents due to their inherent ability to evaporate at a slower rate than other cold cleaning solvents with higher vapor pressures. This cost saving could not be estimated and was not included in this fiscal note.
2. The VOC emissions from cold cleaning operations associated with area sources are estimated in the 1999 Base Year Inventory for the Kansas City Metropolitan Area ozone nonattainment area. The emissions estimates are based on an emissions factor of 87 pounds of VOC per employee per year. Total number of employees is for only those businesses that participate in activities associated with cold cleaning.
3. Because these processes are batch type that would not experience the same growth that would be seen with industrial sources and the emissions are dominated by area source emissions for which little actual emissions data exists, the emissions growth rate is assumed to be zero.
4. The number of area source entities is based on 1997 Standard Industrial Classification and 1998 North American Industry Classification System (NAICS) Census Data.
5. The number of point source entities is based on 1998 NAICS Census Data.
6. Total annual VOC emissions from point sources for the Kansas City Metropolitan Area are based on 1998 emissions data.
7. Cost calculations are based on a two percent (2%) annual cost increase.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 1—Organization

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-1.010 Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 518). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: At the public hearing before the Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment was necessary to accurately reflect the authorization status of the Missouri Hazardous Waste Program. The rule contains references to the dates on which the department has been authorized by the United States Environmental Protection Agency to implement the Resource Conservation and Recovery Act in the state of Missouri. New dates need to be added to reference the most recent dates on which the department has been authorized.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 3—Hazardous Waste Management System:
General

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-3.260 Definitions, Modifications to Incorporations, and Confidential Business Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 518-520). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment will incorporate by reference 40 CFR Part 260 of the July 1, 2000 edition of the *Code of Federal Regulations* to include changes to Part 260 between July 1, 1997 and July 1, 2000.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 4—Methods for Identifying Hazardous Waste

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-4.261 Methods of Identifying Hazardous Waste is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 521-523). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment will incorporate by reference 40 CFR Part 261 of the July 1, 2000 edition of the *Code of Federal Regulations* to include changes to Part 261 between July 1, 1997 and July 1, 2000.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 5—Rules Applicable to Generators of
Hazardous Waste

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 523-529). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment will incorporate by reference 40 CFR Part 262 of the July 1, 2000 edition of the *Code of Federal Regulations* to include changes to Part 262 between July 1, 1997 and July 1, 2000. The department further testified that the proposed amendment is necessary to implement changes to Chapter 260 of the Hazardous Waste Management Law pertaining to registration requirements for hazardous waste generators. These changes were a portion of Senate Bill 577, passed by the 2000 Missouri General Assembly.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 530-531). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment will incorporate by reference 40 CFR Part 264 of the July 1, 2000 edition of the *Code of Federal Regulations* to include changes to Part 264 between July 1, 1997 and July 1, 2000.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 531-532). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in to the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment will incorporate by reference 40 CFR Part 265 of the July 1, 2000 edition of the *Code of Federal Regulations* to include changes to Part 265 between July 1, 1997 and July 1, 2000.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 532-533). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in to the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment will incorporate by reference 40 CFR Part 266 of the July 1, 2000 edition of the *Code of Federal Regulations* to include changes to Part 266 between July 1, 1997 and July 1, 2000.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-7.268 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 533-535). One change has been made in the text of the proposed amendment, so the relevant section is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment will incorporate by reference 40 CFR Part 268 of the July 1, 2000 edition of the *Code of Federal Regulations* to include changes to Part 268 between July 1, 1997 and July 1, 2000.

SUMMARY OF COMMENTS: One comment was received from the University of Missouri Environmental Health and Safety. The commenter pointed out a typographic error in 10 CSR 25-7.268(2)(C)3. of the proposed amendment (26 MoReg 534). The commenter noted that the referenced waste code is MP21 rather than MH02, according to 10 CSR 25-4.261(2)(D)3.

RESPONSE AND EXPLANATION OF CHANGE: As noted in the comment, the waste code MP21 is incorrect. The waste code was changed to MH02 in the most recent rulemaking. Therefore, the reference noted in the comment should be amended to reflect the correct waste code. The appropriate change to the text is included in the order of rulemaking.

10 CSR 25-7.268 Land Disposal Restrictions

(2) Persons who generate or transport hazardous waste and owners/operators of hazardous waste treatment, storage and disposal facilities shall comply with this section in addition to the regulations in 40 CFR part 268. (Comment: This section has been organized so that all Missouri additions, changes or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the changes to 40 CFR part 268 subpart A are found in subsection (2)(A) of this rule.)

(C) Prohibitions on Land Disposal. This subsection sets forth modifications to 40 CFR part 268 subpart C incorporated by reference in section (1) of this rule.

1. The waste specific prohibitions in 40 CFR 268.31 apply to the hazardous wastes identified by EPA hazardous waste numbers F020, F023 and F027 as amended in 10 CSR 25-4.261(2)(D)1.A.-C.

2. The waste specific prohibitions in 40 CFR 268.31 apply to the EPA hazardous waste numbers F020, F021, F022, F023, F026 and F027 as amended in 10 CSR 25-4.261(2)(D)2.

3. The hazardous waste identified by the Missouri hazardous waste number MH02 in 10 CSR 25-4.261(2)(D)3. may be disposed in a landfill or surface impoundment only if that unit is in compliance with the requirements specified in 40 CFR 268.5(h)(2) as incorporated in section (1) of this rule and all other applicable requirements of 10 CSR 25-7.264(1) incorporating by reference 40 CFR part 264 and 10 CSR 25-7.265(1) incorporating by reference 40 CFR part 265.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission

Chapter 7—Rules Applicable to Owners/Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 535-538). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment will incorporate by reference 40 CFR Part 270 of the July 1, 2000 edition of the *Code of Federal Regulations* to include changes to Part 270 between July 1, 1997 and July 1, 2000. The department further testified that there was one modification to the incorporation by reference of 40 CFR part 270, specifically 40 CFR 270.42(j) is not incorporated by reference. No other modifications were proposed.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 8—Public Participation and General Procedural Requirements

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-8.124 Procedures for Decision Making is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 538-541). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment is necessary to make two minor typographical corrections.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 9—Resource Recovery

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 541-544). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment is necessary to reflect some of the changes in the Hazardous Waste Fee Bill, Senate Bill 577 passed by the 2000 Missouri General Assembly. The proposed amendment reflects the department's ability to bill the applicant for applicable engineering and geologic review costs.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 10—Abandoned or Uncontrolled Hazardous Waste Disposal Sites

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-10.010 Abandoned or Uncontrolled Hazardous Waste Disposal Sites is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 545-547). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment is intended to modify the process by which site owners are notified of their site classification prior to publication of the Annual Report. The regulation currently requires notification by certified mail, though certified mail is not necessary to preserve the right to appeal the site classification. Eliminating the requirement to use certified mail will get rid of an unnecessary strain on staff time and resources. The department further testified that the amendment is necessary to codify the minimum requirements of a consent agreement so that the requirements for such an agreement are clearly stated in the regulations.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 11—Used Oil**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-11.279 Recycled Used Oil Management Standards is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 547-548). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment will incorporate by reference 40 CFR Part 279 of the July 1, 2000 edition of the *Code of Federal Regulations* to include changes to Part 279 between July 1, 1997 and July 1, 2000.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 12—Hazardous Waste Fees and Taxes**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-12.010 Fees and Taxes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 548-553). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment proposed several changes as a direct result of the Hazardous Waste Fee Bill, Senate Bill 577 passed by the 2000 Missouri General Assembly and that the amendment is necessary to fully implement the provisions of the bill.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 13—Polychlorinated Biphenyls**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-13.010 Polychlorinated Biphenyls is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 554-559). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment will incorporate by reference 40 CFR Part 761 of the July 1, 2000 edition of the *Code of Federal Regulations* to include changes to Part 761 between July 1, 1997 and July 1, 2000.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 15—Hazardous Substance Environmental
Remediation (Voluntary Cleanup Program)**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-15.010 Hazardous Substance Environmental Remediation (Voluntary Cleanup Program) is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 559-560). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment will remove a form mistakenly included in publication of the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 16—Universal Waste****ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-16.273 Standards for Universal Waste Management is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 560-563). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF HEARING TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 12, 2001, the department testified that the proposed amendment will incorporate by reference 40 CFR Part 273 of the July 1, 2000 edition of the *Code of Federal Regulations* to include changes to Part 273 between July 1, 1997 and July 1, 2000. The incorporation is necessary to adopt the federal listing of fluorescent lamps as a universal waste.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax****ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.280 Sale of Agricultural Products by the Producer is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1060). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax****ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.882 Accrual Basis Reporting is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1060). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 2—Performance Measures****ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, Division of Child Support Enforcement under section 454.400, RSMo 2000, the division amends a rule as follows:

13 CSR 30-2.010 Prosecuting Attorneys' Performance Standards is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2000 (26 MoReg 1060). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 10—Fees****ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, Division of Child Support Enforcement under section 454.400, RSMo 2000, the division withdraws a rule as follows:

13 CSR 30-10.010 Annual Fee is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1173-1176). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The department received written and oral comments from the public to this rule. Based upon these comments, the division has decided to withdraw this rule.

RESPONSE: Therefore, the department is withdrawing this rule.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 4—Conditions of Recipient Participation,
Rights and Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.040, 208.201 and 660.017, RSMo 2000, the director hereby amends a rule as follows:

**13 CSR 70-4.090 Uninsured Parents' Health Insurance Program
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2001 (26 MoReg 936-939). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of
Missouri
Chapter 3—Funds of Retirement System**

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo 2000, the board of trustees hereby amends a rule as follows:

**16 CSR 10-3.010 Payment of Funds to the Retirement System is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1060-1061). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 10—Office of the Director
Chapter 33—Hospital and Ambulatory Surgical Center
Data Disclosure**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health under section 192.667, RSMo 2000, the department hereby amends a rule as follows:

19 CSR 10-33.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1061-1080). The proposed amendment, with changes, is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from several hospitals regarding the external cause of injury reporting requirements.

COMMENT: Several hospitals contacted the Department seeking clarification on the wording of the description for the External Cause of Injury field.

RESPONSE AND EXPLANATION OF CHANGE: We concur that the language of the description of the External Cause of Injury field (relative position 145-149) needs to be clarified. Exhibit B is amended to read:

The ICD-9-CM code for the external cause of injury, poisoning or adverse effect. If more than one E-code, enter the first E-code, according to coding guidelines.

Although an E-code may be used with any diagnosis in the range 001-V82.9, it must be present when a diagnosis code is in the range 800.00-999.99

**19 CSR 10-33.010 Reporting Patient Abstract Data by
Hospitals and Ambulatory Surgical Centers**

EXHIBIT B
Patient Abstract System
A-Record
(Master Record)

Field Name	Relative Position	Field Length	Format	Justify	Description
Record type	1	1	A	L	Constant "A"
Provider identifier	2-11	10	A/N	L	This field shall contain the National Provider Identifier (NPI), when assigned. Prior to NPI assignment, enter the Medicare provider number (or state assigned number).
Unique encounter identifier	12-31	20	A/N	L	Unique identifier within facility (hospital or ASC) for each discharge record or patient encounter.
Type of encounter	32	1	N	L	Type of encounter record 1 = Inpatient; 2 = Outpatient.
Place of service	33	1	N	L	<u>For hospital inpatients</u> 1 = Acute medical/surgical unit (non PPS exempt); 2 = Psychiatric unit or facility; 3 = Medical rehabilitation unit or facility; 4 = Alternate level of care (SNF/ICF/Other LTC/Hospice/Sub Acute/Swing bed); 5 = Alcohol rehabilitation unit or facility; 6 = Drug rehabilitation unit or facility; 7 = Other. <u>For hospital outpatients</u> 1 = Emergency room; 2 = Outpatient surgery; 3 = Observation only; 4 = Other. <u>For ASC patients</u> 2 = Outpatient surgery
Patient name	34-63	30	A/N	L	Not to be reported for patients receiving treatment for alcohol or drug abuse. Last name, first name and middle initial of the patient. Use a comma to separate last and first names. No space should be left between a prefix and a name as in MacBeth. Titles (for example, Sir, Msgr., Dr.) should not be recorded. Record hyphenated names with the hyphen, as in Smith-Jones, Rebecca. To record suffix, write the last name, leave a space and write the suffix, then write the first name as in Snyder III, Harold.
Patient Social Security Number	64-72	9	N	R	Not to be reported for patients receiving treatment for alcohol or drug abuse. If patient refuses, code as 999999999.
Patient birthdate	73-80	8	N	R	MMDDYYYY
Patient sex	81	1	A	L	Patient sex at time of admission or start of care: M = Male; F = Female; U = Unknown/indeterminate.
Patient ethnicity	82	1	N	L	1 = Hispanic or Latino 2 = Neither Hispanic nor Latino

Field Name	Relative Position	Field Length	Format	Justify	Description
Patient race	83	1	N	L	1 = White; 2 = Black or African American; 3 = American Indian/Alaska Native; 4 = Asian; 5 = Native Hawaiian/Pacific Islander; 6 = Some other race 7 = Multi-racial (two or more races) 9 = Unknown or patient refused
State of residence	84-85	2	N	R	FIPS codes (homeless = 97; non-U.S. citizen = 98)
Zip code	86-90	5	N	R	First five digits (homeless = 99997; non-U.S. citizen = 99998)
County code	91-93	3	N	R	Required for Missouri residents. Use FIPS codes (homeless = 997; non-U.S. citizen = 998)
Census tract	94-100	7	A/N	L	Census Tract code: 7 characters, formatted XXXX.XX (where X is a digit 0-9) If census tract is not available, provide patient address information on the C-Record.
Admission date	101-108	8	N	R	MMDDYYYY
Admission hour	109-110	2	N	R	Required for inpatient records only 00 = 12:00-12:59 Midnight; 01 = 1:00-1:59 02 = 2:00-2:59 03 = 3:00-3:59 04 = 4:00-4:59 05 = 5:00-5:59 06 = 6:00-6:59 07 = 7:00-7:59 08 = 8:00-8:59 09 = 9:00-9:59 10 = 10:00-10:59 11 = 11:00-11:59 12 = 12:00-12:59 Noon; 13 = 1:00-1:59 14 = 2:00-2:59 15 = 3:00-3:59 16 = 4:00-4:59 17 = 5:00-5:59 18 = 6:00-6:59 19 = 7:00-7:59 20 = 8:00-8:59 21 = 9:00-9:59 22 = 10:00-10:59 23 = 11:00-11:59 99 = Unknown
Type of admission	111	1	N	L	Required for inpatient records only 1 = Emergency—The patient requires immediate intervention as a result of severe, life threatening or potentially disabling conditions; 2 = Urgent/Elective—(UB-92 codes 2 and 3); 4 = Newborn—Use of this code requires special source of admission codes for newborns.

Field Name	Relative Position	Field Length	Format	Justify	Description
Source of admission/referral	112	1	N	L	<u>Code Structure for Adult/Pediatric Patients:</u> 1 = Direct admission or referral (UB-92 codes, 1, 2 and 3). The patient was admitted to this facility or referred for services upon the recommendation of a physician, or the facility's clinic or outpatient department. For emergency room patients, includes self-referral; 2 = Transfer from other hospital (UB-92 code 4). The patient was transferred for services to this facility or referred from an acute-care facility; 3 = Transfer from long-term care facility (UB-92 codes to 5 and 6). The patient was transferred from or referred for services by an SNF or other long-term facility. 4 = Emergency room admission or referral (UB-92 code 7). The patient was admitted to this facility or referred for outpatient services through the emergency room. 8 = Other (UB-92 code 8); 9 = Unknown/Information not available <u>Code Structure for Newborns:</u> 1 = Normal birth—A baby delivered without complications; 2 = Premature birth—A baby delivered with time or weight factors, or both, qualifying it for premature status; 3 = Sick baby—A baby delivered with medical complications other than those related to premature status; 4 = Extramural birth—A newborn born in a nonsterile environment; 9 = Information not available.
Discharge date	113-120	8	N	R	MMDDYYYY
Discharge hour	121-122	2	N	R	Required for inpatient records only 00 = 12:00–12:59 Midnight; 01 = 1:00–1:59 02 = 2:00–2:59 03 = 3:00–3:59 04 = 4:00–4:59 05 = 5:00–5:59 06 = 6:00–6:59 07 = 7:00–7:59 08 = 8:00–8:59 09 = 9:00–9:59 10 = 10:00–10:59 11 = 11:00–11:59 12 = 12:00–12:59 Noon; 13 = 1:00–1:59 14 = 2:00–2:59 15 = 3:00–3:59 16 = 4:00–4:59 17 = 5:00–5:59 18 = 6:00–6:59 19 = 7:00–7:59 20 = 8:00–8:59 21 = 9:00–9:59 22 = 10:00–10:59 23 = 11:00–11:59 99 = Unknown.
Observation units	123-125	3	N	R	The number of hours spent by a patient held for observation

Field Name	Relative Position	Field Length	Format	Justify	Description
Disposition of patient	126-127	2	N	R	Designation of the circumstances associated with the patient's discharge. 01 = Discharged to home or self-care (routine discharge); 02 = Discharged/transferred to another short-term general hospital for inpatient care; 03 = Discharged/transferred to skilled nursing facility (SNF); 04 = Discharged/transferred to an intermediate care facility (ICF); 05 = Discharged/transferred to another type of institution for inpatient care or referred for outpatient services to another institution; 06 = Discharged/transferred to home under care of organized home health service organization; 07 = Left against medical advice or discontinued care; 08 = Discharged/transferred to home under care of a Home IV provider; 09 = Admitted as an inpatient to this hospital; 20 = Expired
Medical/Health record number	128-144	17	A/N	L	Number assigned to the patient's medical/health record by the provider
E-Code External cause of injury	145-149	5	A/N	L	The ICD-9-CM code for the external cause of injury, poisoning or adverse effect. If more than one E-code, enter the first E-code, according to coding guidelines. Although an E-code may be used with any diagnosis in the range 001-V82.9, it must be present when a diagnosis code is in the range 800.00-999.99
Place of injury code	150-154	5	A/N	L	The ICD-9-CM code for the place of injury reported in the External cause of injury field. Use when External Cause of Injury E-code is E850-E869 or E880-E928. Only codes in range E849.0-E849.9 are valid.
Principal diagnosis code	155-159	5	A/N	L	ICD-9-CM code. (Note: An E-code is invalid as a principal diagnosis.)
Other diagnosis codes	160-199	40 (8 X 5)	A/N	L	ICD-9-CM code. Include any additional E-codes not reported in the E-code or Place of injury fields.
Procedure coding method used	200	1	N	L	4 = CPT-4 5 = HCPCS 9 = ICD-9-CM
Principal procedure code/date Code Date	201-215	15 (7) (8)	A/N N	L	ICD-9-CM code or CPT-4 code MMDDYYYY
Other procedure codes and dates Code Date	216-290	75 (5 X 15) (7) (8)	A/N N	L	<u>All significant procedures are to be reported</u> First 7 positions of each 15 position field: The ICD-9-CM code or CPT-4 code for the secondary procedure Next 8 positions of each 15 position field: MMDDYYYY

Field Name	Relative Position	Field Length	Format	Justify	Description
Total charges	291-297	7	N	R	Total charges (those associated with revenue code 001) rounded to the nearest dollar
Expected sources of payment	298-306	9 (3 X 3)	N	L	<p>Payment sources expected to pay for the hospitalization or the ambulatory service being recorded, with the primary payer listed first:</p> <p>001 = Medicare, not managed care; 002 = Medicaid, not managed care; 003 = Other government, not managed care; 005 = Workers' Compensation, not managed care; 006 = Self pay; 007 = All commercial payers, not managed care; 008 = No charge; 010 = Other, not managed care; 101 = Medicare managed care; 102 = Medicaid managed care; 103 = Other government managed care; 105 = Workers' Compensation managed care; 107 = All commercial payers managed care; 110 = Other managed care; 999 = Unknown</p>
Attending physician ID	307-316	10	A/N	L	This field shall contain the National Provider Identifier (NPI), when assigned, of the physician who has primary responsibility for the patient's medical care and treatment. Prior to NPI assignment, enter the Unique Physician Identification Number (UPIN), or if no UPIN, enter the Missouri license number. All entries must be left justified.
Principal procedure physician ID	317-326	10	A/N	L	This field shall contain the National Provider Identifier (NPI), when assigned, of the physician who performed the principal procedure. Prior to NPI assignment, enter the Unique Physician Identification Number (UPIN), or if no UPIN, enter the Missouri license number. All entries must be left justified.

**B-Record
(Continuation Record)**

To be used when there are more diagnoses and/or procedures than will fit on the A-Record

Field Name	Relative Position	Field Length	Format	Justify	Description
Record type	1	1	A	L	Constant "B"
Provider identifier	2-11	10	A/N	L	This field shall contain the National Provider Identifier (NPI), when assigned. Prior to NPI assignment, enter the Medicare provider number (or state assigned number).
Unique encounter identifier	12-31	20	A/N	L	Unique identifier within facility (hospital or ASC) for each discharge record or patient encounter.
Other diagnosis codes	32-101	70 (14X5)	A/N	L	ICD-9-CM code
Additional procedures	102-311	210 (14X15)	A/N	L	First 7 positions of each 13 position field: The ICD-9-CM code(s) or CPT-4 code(s) for the other procedures
Procedure code		(7)			
Procedure date		(8)	N	R	Next 6 positions of each 13 position field: MMDDYYYY
Filler	312-326	15			Spaces

**C-Record
(Continuation Record)**

To be used when census tract information is not available

Field Name	Relative Position	Field Length	Format	Justify	Description
Record type	1	1	A	L	Constant "C"
Provider identifier	2-11	10	A/N	L	This field shall contain the National Provider Identifier (NPI), when assigned. Prior to NPI assignment, enter the Medicare provider number (or state assigned number).
Unique encounter identifier	12-31	20	A/N	L	Unique identifier within facility (hospital or ASC) for each discharge record or patient encounter.
Residence Address Line 1	32-61	30	A/N	L	Free form address line
Residence Address Line 2	62-91	30	A/N	L	Free form address line
City	92-107	16	A/N	L	Name of city or town of residence
Zip code	108-112	5	N	R	First five digits of zip code
Filler	113-326	214			Spaces

**Title 19—DEPARTMENT OF HEALTH
Division 10—Office of the Director
Chapter 33—Hospital and Ambulatory Surgical Center
Data Disclosure**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health under section 192.667, RSMo 2000, the department hereby amends a rule as follows:

19 CSR 10-33.020 Reporting Charge for Leading Diagnoses and Procedures by Hospitals and Ambulatory Surgical Centers **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1081-1087). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 10—Office of the Director
Chapter 33—Hospital and Ambulatory Surgical Center
Data Disclosure**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health under section 192.667, RSMo 2000, the department hereby amends a rule as follows:

19 CSR 10-33.030 Reporting Financial Data by Hospitals **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2001 (26 MoReg 1087-1092). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for Department Areas

IN ADDITION

The proposed rule for 3 CSR 10-11.182, which was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1144-1146), inadvertently had one department area out of alphabetical order in section (2). The final order of rulemaking for this rule was published in the *Missouri Register* on August 15, 2001 (26 MoReg 1577) without the typographical correction being published. The rule appeared correctly in the August 31, 2001 update to the *Code of State Regulations*. For clarification, the corrected subsections are reprinted below.

3 CSR 10-11.182 Deer Hunting

(2) Deer may be hunted, under statewide seasons and limits, only by archery methods on the following department areas:

(PPP) Monegaw Prairie Conservation Area
(QQQ) Mo-No-I Prairie Conservation Area
(RRR) Mon-Shon Prairie Conservation Area
(SSS) Montrose Conservation Area
(TTT) Mound View Access
(UUU) Nodaway Valley Conservation Area

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 100—Division of Credit Unions

**ACTIONS TAKEN ON APPLICATIONS FOR NEW
GROUPS OR GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
First Missouri Credit Union 1690 LeMay Ferry Road St. Louis, MO 63125	Anyone living or working in zip codes 63010, 63111, 63116, 63123 and 63128

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 100—Division of Credit Unions

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Credit Union	Proposed New Group or Geographic Area
Lake City Credit Union 2112 S. 291 Hwy Suite J Independence, MO 64057	Missouri zip codes 64014, 64015, 64016, 64056, 64058

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities
Review Committee
Chapter 50—Certificate of Need Program

APPLICATION REVIEW SCHEDULE

DATE FILED:
APPLICATION PROJECT NO. &
NAME/COST & DESCRIPTION/
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the July 30, 2001, Certificate of Need meeting. These applications are available for public inspection at the address shown below:

06/05/01

#3077 HS: Saint Louis University Hospital
St. Louis (St. Louis City)
\$2,636,272, Add second magnetic resonance
imaging (MRI) unit

07/03/01

#3117 NP: Green Park Nursing Home
St. Louis (St. Louis County)
\$130,000, Long-term care bed expansion through
the purchase of 20 skilled nursing facility beds
from Northgate Park Nursing Home,
St. Louis (St. Louis County)

07/06/01

#3145 HS: Lake Regional Health System
Osage Beach (Camden County)
\$4,600,000, Establish 22-bed stepdown unit

07/12/01

#3146 HS: Children's Mercy Hospital
Kansas City (Jackson County)
\$20,495,200, Expand facility

#3147 HS: I-70 Medical Center
Sweet Springs (Saline County)
\$7,621,044, Establish 15-bed critical access hospital

#3149 HS: Truman Medical Center
Kansas City (Jackson County)
\$7,925,698, Modernize radiology department

07/13/01

#3154 HS: Barnes-Jewish Hospital
St. Louis (St. Louis City)
\$3,353,709, Replace and expand MRI service

#3148 HS: St. John's Mercy Medical Center
St. Louis (St. Louis County)
\$2,800,883, Replace and expand MRI service

#3153 HS: Barnes-Jewish West County Hospital
St. Louis (St. Louis County)
\$6,013,000, Relocate and expand
outpatient surgery

#3150 HS: St. John's Regional Health Center
Springfield (Greene County)
\$93,392,926, Modernize facility

#3152 HS: Missouri Baptist Medical Center
St. Louis (St. Louis County)
\$4,484,154, Relocate and expand GI service

#3151 HS: Heartland Health
St. Joseph (Buchanan County)
\$11,510,000, Replace 230-bed SNF with 96-bed SNF

#3155 HS: Hannibal Regional Hospital
Hannibal (Marion County)
\$4,306,066, Establish radiation oncology center

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by August 13, 2001. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1Z02035 Meats-October 9/4/01;
B1Z02036 Grocery-2nd Qtr. October-December 9/5/01;
B1E02047 Aluminum Sheeting 9/6/01;
B1E02058 Kitchen Equipment 9/6/01;
B3E02024 Courier Services 9/10/01;
B1E02059 Vehicle: Sport Utility 9/11/01;
B2Z02009 Computer Based Training Courseware Software 9/11/01;
B3E02028 Elevator Maintenance Services 9/11/01;
B3E02029 Security Guard Services 9/11/01;
B1E02057 Equipment: Hydraulic Bender 9/12/01;
B2Z01066 Fixed Asset Inventory Management/Bar Code Software 9/12/01;
B3Z01240 Personal Care Assessment Services 9/14/01;
B3Z02003 Medicaid Managed Care-Western Region 9/17/01;
B3Z02009 Conference Services; Columbia, Jefferson City, & Lake Ozark 9/20/01;
B2Z02021 Medicaid Fraud Detection System 10/2/01.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

TMS Remittance Processor Software Maintenance, supplied by J & B Software.

James Miluski, CPPO,
Director of Purchasing

Rule Changes Since Update to
Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—24 (1999), 25 (2000) and 26 (2001). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				24 MoReg 2535
				25 MoReg 2478
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 10-5.010	Market Development	26 MoReg 1305R			
	26 MoReg 1305			
2 CSR 70-13.030	Plant Industries		26 MoReg 905		
2 CSR 80-5.010	State Milk Board		26 MoReg 909	26 MoReg 1572	
2 CSR 90-21.060	Weights and Measures		25 MoReg 2788	26 MoReg 865	
2 CSR 90-40.010	Weights and Measures		26 MoReg 1129R		
2 CSR 90-50.010	Weights and Measures		26 MoReg 1129R		
2 CSR 100-10.010	Weights and Measures		This Issue		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.113	Conservation Commission	26 MoReg 1130	26 MoReg 1572		
3 CSR 10-4.115	Conservation Commission	26 MoReg 1130R	26 MoReg 1572R		
3 CSR 10-4.116	Conservation Commission	26 MoReg 1131R	26 MoReg 1572R		
3 CSR 10-5.205	Conservation Commission	26 MoReg 1132	26 MoReg 1573		
3 CSR 10-5.215	Conservation Commission	26 MoReg 1132	26 MoReg 1573		
3 CSR 10-5.216	Conservation Commission	26 MoReg 1132	26 MoReg 1573		
3 CSR 10-5.310	Conservation Commission	26 MoReg 1133	26 MoReg 1573		
3 CSR 10-5.315	Conservation Commission	26 MoReg 1133	26 MoReg 1573		
3 CSR 10-5.320	Conservation Commission	26 MoReg 1133	26 MoReg 1573		
3 CSR 10-6.405	Conservation Commission	26 MoReg 1134	26 MoReg 1574		
3 CSR 10-6.410	Conservation Commission	26 MoReg 1134	26 MoReg 1574		
3 CSR 10-6.505	Conservation Commission	26 MoReg 1135	26 MoReg 1574		
3 CSR 10-6.525	Conservation Commission	26 MoReg 1135	26 MoReg 1574		
3 CSR 10-7.435	Conservation Commission	N.A.	26 MoReg 1338		
3 CSR 10-7.440	Conservation Commission	N.A.	26 MoReg 1341		
3 CSR 10-9.110	Conservation Commission	26 MoReg 1308			
3 CSR 10-9.575	Conservation Commission	26 MoReg 1136	26 MoReg 1574		
3 CSR 10-9.625	Conservation Commission	26 MoReg 1136	26 MoReg 1574		
3 CSR 10-10.744	Conservation Commission	26 MoReg 1136	26 MoReg 1575		
3 CSR 10-11.105	Conservation Commission	26 MoReg 1137	26 MoReg 1575		
3 CSR 10-11.110	Conservation Commission	26 MoReg 1137	26 MoReg 1575		
3 CSR 10-11.115	Conservation Commission	26 MoReg 1137	26 MoReg 1575		
3 CSR 10-11.120	Conservation Commission	26 MoReg 1138	26 MoReg 1575		
3 CSR 10-11.130	Conservation Commission	26 MoReg 1138	26 MoReg 1575		
3 CSR 10-11.135	Conservation Commission	26 MoReg 1139	26 MoReg 1576		
3 CSR 10-11.140	Conservation Commission	26 MoReg 1139	26 MoReg 1576		
3 CSR 10-11.145	Conservation Commission	26 MoReg 1139	26 MoReg 1576		
3 CSR 10-11.150	Conservation Commission	26 MoReg 1140	26 MoReg 1576		
3 CSR 10-11.155	Conservation Commission	26 MoReg 1140	26 MoReg 1576		
3 CSR 10-11.160	Conservation Commission	26 MoReg 1140	26 MoReg 1576		
3 CSR 10-11.165	Conservation Commission	26 MoReg 1141	26 MoReg 1577		
3 CSR 10-11.180	Conservation Commission	26 MoReg 1141	26 MoReg 1577		
3 CSR 10-11.182	Conservation Commission	26 MoReg 1144	26 MoReg 1577	This Issue	
3 CSR 10-11.183	Conservation Commission	26 MoReg 1146	26 MoReg 1577		
3 CSR 10-11.186	Conservation Commission	26 MoReg 1146	26 MoReg 1577		
3 CSR 10-11.187	Conservation Commission	26 MoReg 1147	26 MoReg 1577		
3 CSR 10-11.200	Conservation Commission	26 MoReg 1147	26 MoReg 1578		
3 CSR 10-11.205	Conservation Commission	26 MoReg 1148	26 MoReg 1578		
3 CSR 10-11.210	Conservation Commission	26 MoReg 1149	26 MoReg 1578		
3 CSR 10-11.215	Conservation Commission	26 MoReg 1150	26 MoReg 1578		
3 CSR 10-11.805	Conservation Commission	26 MoReg 1150R	26 MoReg 1578R		
3 CSR 10-12.101	Conservation Commission	26 MoReg 1151	26 MoReg 1578		
3 CSR 10-12.105	Conservation Commission	26 MoReg 1151	26 MoReg 1579		
3 CSR 10-12.109	Conservation Commission	26 MoReg 1308			
3 CSR 10-12.110	Conservation Commission	26 MoReg 1151	26 MoReg 1579		
3 CSR 10-12.115	Conservation Commission	26 MoReg 1152	26 MoReg 1579		
3 CSR 10-12.125	Conservation Commission	26 MoReg 1153	26 MoReg 1579		
3 CSR 10-12.130	Conservation Commission	26 MoReg 1154	26 MoReg 1579		
3 CSR 10-12.135	Conservation Commission	26 MoReg 1154	26 MoReg 1579		
3 CSR 10-12.140	Conservation Commission	26 MoReg 1154	26 MoReg 1580		
3 CSR 10-12.145	Conservation Commission	26 MoReg 1156	26 MoReg 1580		
3 CSR 10-12.150	Conservation Commission	26 MoReg 1156	26 MoReg 1580		
3 CSR 10-20.805	Conservation Commission	26 MoReg 1157	26 MoReg 1580		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-2.160	Missouri State Board of Accountancy	26 MoReg 1501			
4 CSR 15-1.010	Acupuncturist Advisory Committee		This Issue		
4 CSR 15-1.020	Acupuncturist Advisory Committee		This Issue		
4 CSR 15-1.030	Acupuncturist Advisory Committee		This Issue		
4 CSR 15-2.010	Acupuncturist Advisory Committee		This Issue		
4 CSR 15-2.020	Acupuncturist Advisory Committee		This Issue		
4 CSR 15-3.010	Acupuncturist Advisory Committee		This Issue		
4 CSR 15-3.020	Acupuncturist Advisory Committee		This Issue		
4 CSR 15-4.010	Acupuncturist Advisory Committee		This Issue		
4 CSR 15-4.020	Acupuncturist Advisory Committee		This Issue		
4 CSR 30-8.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1406R 26 MoReg 1406		
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1409R 26 MoReg 1409		
4 CSR 30-11.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1410		
4 CSR 90-8.010	State Board of Cosmetology		26 MoReg 697R.....1474R		
4 CSR 100	Division of Credit Unions				26 MoReg 1476
					26 MoReg 1542
					26 MoReg 1598
					This Issue
4 CSR 100 2.060	Division of Credit Unions		26 MoReg 1159.....	This Issue	
4 CSR 110-2.170	Missouri Dental Board		26 MoReg 1414R		
			26 MoReg 1414		
4 CSR 110-2.180	Missouri Dental Board		26 MoReg 1423R		
			26 MoReg 1423		
4 CSR 120-2.100	State Board of Embalmers and Funeral Directors		26 MoReg 1007	This Issue	
4 CSR 140-2.070	Division of Finance		26 MoReg 328.....	26 MoReg 1341	
4 CSR 140-2.138	Division of Finance		26 MoReg 328.....	26 MoReg 1342	
4 CSR 140-6.085	Division of Finance		26 MoReg 329.....	26 MoReg 1342	
4 CSR 145-1.040	Missouri Board of Geologist Registration		26 MoReg 1011	This Issue	
4 CSR 150-2.050	State Board of Registration for the Healing Arts		26 MoReg 1014.....	This Issue	
4 CSR 150-2.080	State Board of Registration for the Healing Arts		26 MoReg 1014.....	This Issue	
4 CSR 150-2.125	State Board of Registration for the Healing Arts		26 MoReg 1020	This Issue	
4 CSR 150-2.165	State Board of Registration for the Healing Arts		26 MoReg 1021.....	This Issue	
4 CSR 150-6.010	State Board of Registration for the Healing Arts		This Issue		
4 CSR 150-8.060	State Board of Registration for the Healing Arts		26 MoReg 1023	This Issue	
4 CSR 165-1.020	Board of Examiners for Hearing Instrument Specialists		This Issue		
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Specialists		This Issue		
4 CSR 165-2.060	Board of Examiners for Hearing Instrument Specialists		This Issue		
4 CSR 205-4.010	Missouri Board of Occupational Therapy		26 MoReg 859.....	26 MoReg 1539	
4 CSR 205-4.020	Missouri Board of Occupational Therapy		26 MoReg 859.....	26 MoReg 1539	
4 CSR 220-2.010	State Board of Pharmacy		This Issue		
4 CSR 220-2.032	State Board of Pharmacy		26 MoReg 698.....	26 MoReg 1539	
4 CSR 220-2.085	State Board of Pharmacy		26 MoReg 1025		
4 CSR 220-4.010	State Board of Pharmacy		26 MoReg 698.....	26 MoReg 1539	
4 CSR 220-5.020	State Board of Pharmacy		26 MoReg 1025		
4 CSR 231-2.010	Division of Professional Registration		26 MoReg 699.....	26 MoReg 1474	
4 CSR 233-1.040	State Committee of Marital and Family Therapists		26 MoReg 1309		
4 CSR 233-2.010	State Committee of Marital and Family Therapists		26 MoReg 1309		
4 CSR 233-2.020	State Committee of Marital and Family Therapists		26 MoReg 1310		
4 CSR 233-2.021	State Committee of Marital and Family Therapists		26 MoReg 1311		
4 CSR 233-2.040	State Committee of Marital and Family Therapists		26 MoReg 1312		
4 CSR 235-1.020	State Committee of Psychologists		26 MoReg 700.....	26 MoReg 1474	
4 CSR 235-2.060	State Committee of Psychologists		26 MoReg 700R.....	26 MoReg 1475R	
			26 MoReg 700.....	26 MoReg 1475	
4 CSR 240-10.020	Public Service Commission		This Issue		
4 CSR 240-21.010	Public Service Commission		26 MoReg 1312		
4 CSR 240-32.130	Public Service Commission		26 MoReg 330.....	26 MoReg 1342	
4 CSR 240-32.140	Public Service Commission		26 MoReg 331.....	26 MoReg 1342	
4 CSR 240-32.150	Public Service Commission		26 MoReg 331.....	26 MoReg 1343	
4 CSR 240-32.160	Public Service Commission		26 MoReg 331.....	26 MoReg 1344	
4 CSR 240-32.170	Public Service Commission		26 MoReg 332.....	26 MoReg 1345	
4 CSR 240-35.010	Public Service Commission		This Issue		
4 CSR 240-35.020	Public Service Commission		This Issue		
4 CSR 240-35.030	Public Service Commission		This Issue		
4 CSR 240-51.010	Public Service Commission		26 MoReg 1317		
4 CSR 240-120.011	Public Service Commission		26 MoReg 1434		
4 CSR 240-120.065	Public Service Commission		26 MoReg 1434		
4 CSR 240-120.100	Public Service Commission		26 MoReg 1160		
4 CSR 240-121.010	Public Service Commission		26 MoReg 1161		
4 CSR 240-121.020	Public Service Commission		26 MoReg 1161		
4 CSR 240-121.040	Public Service Commission		26 MoReg 1161		
4 CSR 240-121.050	Public Service Commission		26 MoReg 1162		
4 CSR 240-121.055	Public Service Commission		26 MoReg 1434		
4 CSR 240-121.060	Public Service Commission		26 MoReg 1162		
4 CSR 240-121.090	Public Service Commission		26 MoReg 1162		
4 CSR 240-122.010	Public Service Commission		26 MoReg 1435R		
4 CSR 240-122.020	Public Service Commission		26 MoReg 1435R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-122.030	Public Service Commission		26 MoReg 1435R		
4 CSR 240-122.040	Public Service Commission		26 MoReg 1435R		
4 CSR 240-122.050	Public Service Commission		26 MoReg 1436R		
4 CSR 240-122.060	Public Service Commission		26 MoReg 1436R		
4 CSR 240-122.070	Public Service Commission		26 MoReg 1436R		
4 CSR 240-122.080	Public Service Commission		26 MoReg 1437R		
4 CSR 240-122.090	Public Service Commission		26 MoReg 1437R		
4 CSR 240-123.010	Public Service Commission		26 MoReg 1437		
4 CSR 240-123.030	Public Service Commission		26 MoReg 1438		
4 CSR 240-123.040	Public Service Commission		26 MoReg 1441		
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- 4 CSR 10-2.160 Fees January 15, 2002

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- 10 CSR 60-13.010 Grants for Public Water Supply Districts and Small Municipal Water Systems September 30, 2001

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- 11 CSR 40-5.065 Missouri Minimum Safety Codes for Existing Elevator Equipment November 5, 2001

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19 CSR 25-30.080 Approval of Methods for the Analysis of Blood and Urine for the Presence of Drugs November 17, 2001

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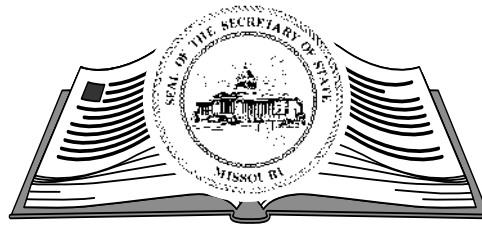
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